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QUEBEC FROM THE ST. LAWRENCE, SHOWING CITADEL AND CHATEAU FRONTENAC.

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A
HISTORY OF QUEBEC
ITS RESOURCES AND PEOPLE

ILLUSTRATED

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INTRODUCTION.

BEING the history of the Province of Quebec, this work is necessarily limited to what concerns the territory known now-a-days by that name, and to the circumstances particular to its population through three centuries, but we must keep in mind the fact that this province alone was until the Union of 1841 all that was known as Canada and, therefore, the centre of both the French and the English colonies of the northern portions of this continent. It follows that a narrative solely devoted to that section in the present state of things would tend to obscure the fact that Quebec was for a long time the pivot for all that was done in these vast territories. We have been, more than once, on the verge of entering into the history of the other provinces for the sake of throwing additional light upon the whole, but finally our scope was confined to what took place within the political boundaries prescribed by the British administration. In reality, the history of Quebec is that of all the confederate provinces.

Even restricted to that area we find it difficult to bring forward any important fact without trespassing upon the Maritime Provinces or Ontario, because these are closely linked to the surrounding colonies and it seems hard to isolate them from their connection.

No one would have believed that New France could ever have formed so many provinces, but the conquest made this possible. As Quebec remained for a long time the pivot for such an extensive Dominion, it is certain that its old and well-settled population played a great part, notwithstanding the division of territory which gave rise to other colonies.

Judging by the measure of European prejudices the French could not hold their own after the conquest, but those who had remained on the land were no more Frenchmen, they were Canadians, and the Treaty of 1763 made them British subjects to all intents and purposes. Consequently they did not care for any other country than Canada, and all they had to do was to get accustomed to the British administration.

Amongst the common mistakes which an European government will

make, is the idea that men in the colonies deserve little attention and must be kept in bondage to a certain extent. Add to that the desire of some individuals who came to Canada with the hope of making their fortune and to dictate law to a conquered people, and you have the key to a lot of difficulties and a long struggle, which could have been avoided by giving the new subjects enough time to re-assure themselves after the war.

Must we say that the political troubles were nothing but a misconception of the London ministry in regard to Canadian affairs and the Canadian people? This is now well understood. Happily, the introduction of the mercantile class after the conquest was useful in developing the resources of the country. It is true also that they were wrong in trying to act as politicians.

In due time, men of remarkable ability and patriotism came to the front, both Canadians of the old stock and newly established colonists, to do the good work of loyal and legal resistance, in order to gain for this section of the British Empire the exercise of liberty as granted to all faithful subjects of the Crown.

New, yet important, dominions within the Empire now enjoy the same freedom as we, but who can deny that it was in Quebec and Ontario that was kindled the spark which inflamed the hearts of these other colonies? For this we claim an early mention in the annals of history.

Such being the facts, we must not look upon the Province of Quebec as a mere subdivision in our wide confederation and still less as merely a small portion of the Great Empire.

Unknown to the world until a very recent date, Canada has now a high place in the consideration of the powers.

Let us claim for the oldest settlement on the shore of the St. Lawrence the honour of being the cradle of political liberty.

The Maritime Provinces, as well as Ontario, have also an honourable and proud origin, so that Canada on the whole has nothing to regret, and much to its credit.

Every period, whether long or short, during the last three centuries has been marked by steady progress. The twentieth century will accomplish threefold.

3rd July, 1908.

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VIEW FROM CHATEAU FRONTENAC, QUEBEC, SHOWING CHAMPLAIN'S MONUMENT.

THE HISTORY OF QUEBEC

CHAPTER I.

Discovery of the St. Lawrence River, 1534—Cartier arrives at Stadacona, 1535—His visit to Hochelaga—Winter of 1535-1536 at Stadacona—Roberval and Cartier, 1541—Fishermen and traders in the gulf, 1540-1600—Pontgravé—Champlain at Montreal, 1603—De Monts, Champlain and Pontgravé in Acadia, 1605.



THE modern Province of Quebec is the result of two cross currents of history. The mingling of the streams commences at a comparatively recent date; but from their diverging point the main stream leads back to the earliest days of the French regime. The incorporation of French Canada within the British Empire was for the French Canadian people a change of political moment only. The new sovereignty accepted the distinctive institutions of the old regime; and with these, society went on much as it had before the change. These distinctive institutions—the Church, the law, education and land tenure—developed under a political administration which the fortunes of war, culminating in the year 1760, brought to an abrupt termination. Consequently the political events of the old regime form much less of the actual background of modern Quebec than the institutions which survive, many of them, to the present day. It seems advisable, therefore, to draw a line between the institutional and the political history of the period, especially after 1663, in order to emphasize, by treating each separately, the continuity of the one and the fortuitous character of the other.

Our narrative begins when soon after the voyage of Cabot in 1497, (some think even before that date), the fisheries off the coast of Newfoundland

attracted adventurous fishermen from the seaport towns of western Europe. Fleets of Bretons, Normans, Basques, Spanish, Portuguese and English used this common fishing ground, their vessels arriving late in the spring and returning towards autumn. These fisherfolk were well acquainted with the southern and eastern shores of Newfoundland, also with Cabot Strait and the Strait of Belle Isle. Cabot Strait they seem to have regarded as the entrance to a bay, and cartographers before 1536 drew an imaginary bay for this region by devising a continuous coast line between Cape Breton and Newfoundland. Over the waters reaching inward from the Strait of Belle Isle a mist of uncertainty likewise spread. Here also, was supposed to be a great bay—the Great Bay, it grew to be called—yet no one knew of its extent. The fishing vessels frequented the Strait of Belle Isle every season, and they knew the “bay” very well as far as the Isle of Brest in the vicinity of the present Eskimo Bay. As early as 1506 the value of the harbour of Brest was recognized. A fanciful narrative published in 1609 by one De Combes speaks of a flourishing settlement consisting of two hundred houses and a thousand inhabitants on its shores.* What is more certain is that the harbour (named by the Bretons after their own Brest in Brittany), served as a rendezvous for the vessels engaged in the more northerly waters off Newfoundland; and that its importance in this respect lasted fully 150 years. It was not very far west from Blanc Sablon, often referred to by explorers, and now on the border line between Quebec and Labrador. Until the time of Cartier, vessels seldom, if ever, ventured beyond Brest into the waters of the Great Bay; the harbour was looked upon as the limit of navigation.

When Cartier made his first voyage in 1534, no one conceived of North America as having the continental form with which we are familiar. Geographers projected a continuous water-passage from Europe to Cathay within the northern parallels of latitude. The reputed voyage of Verazzano, made under the auspices of Francis the First, may have convinced the mariner of St. Malo that there was little hope of seeking this passage south of the present New England coast. But to push on from the harbour of Brest into the unknown waters of the Great Bay—that seemed to offer some

*See for more explanation Royal Society of Canada, 1905, sect. II. p. 3-30.

hope. So we find Cartier sailing across the Atlantic to Brest in 1534, and from this rendezvous starting to explore.

His plan of operations was to coast along the shore line, from bay to bay, and from headland to headland, trusting to fortune to guide him to the Southern Sea that washed the shores of far-away Cathay. Repelled perhaps by the inhospitable coast to the north and west of Brest, Cartier turned his vessels south, and skirted the shore of Newfoundland. By reaching from point to point his course took him, during the summer season, almost completely around the gulf from Brest to Gaspé. Not quite so, however, for at Cape Anguille, on the Newfoundland shore, a sharp wind carried him to within sighting distance of Bird Rock, whence he made for Bryon Island (named after Philip de Chabot, Sieur de Brion, Cartier's patron), thence to the Magdalene group, then the north shore of Prince Edward Island, whence he sighted Escumiac Point, and then up the coast by Miramichi Bay, and Chaleur Bay into the Gaspé Basin. Had it not been for the accident of the high wind at Cape Anguille the vessels would have kept on their course to Cape Ray, thus discovering not only that Newfoundland was an island, but that Cabot Strait and the Strait of Belle Isle were both entrances to the same body of water. This phenomenon, although Cartier suspected it in the course of his first season in the gulf, was not verified till 1536.

From his short stay at Gaspé, Cartier formed a very agreeable impression of the south shore of the St. Lawrence. Here he discovered a fishing party of Indians, and succeeded in persuading two of the younger men, Domagaya and Taignoagny by name, sons of one of the chiefs, to join his company. The complacent Protestantism of Parkman has described this incident in language ill-befitting the actual occurrence. The Indians were lured into the clutches of the French, we are told, "by an act of villainous treachery." No impartial reader of the relation of the voyage could ever come to that conclusion. Domagaya and Taignoagny played a conspicuous part in the voyage of the following year.

Bearing in mind the object of his exploration, Cartier's next move after leaving Gaspé is difficult to explain. Once out of the basin he seems to have sighted Anticosti, and to have headed in that direction, despite the fact that he was crossing open water in the passage. This false move,

for so it must be regarded, can only be accounted for by supposing that Cartier was deceived into thinking the channel between Gaspé and Anticosti to be part of a bay. However, he reached the east point of Anticosti, and then turned west, cruising along the shore as far as North Point on the Mingan Channel. This was the end of his westward course for the season, for at North Point Cartier decided to give up further search that summer.

Favoured by his patron, Cartier returned to Brest the following year with a fleet of three vessels: la Grande Hermine, la Petite Hermine and l'Emerillon. In making his way from Brest along the north shore of the Gulf, he entered, on the 10th of August, a little inlet known as Pillage Bay. It was the Feast of Saint Lawrence, and so, writes the chronicler of the voyage, "Nous nommasmes la dicte baye la baye Sainet Laurens." From this inlet the name St. Lawrence spread by degrees both to the gulf and to the river.

It was soon after leaving the Baye Sainet Laurens, and making for the shores of Anticosti, that Domagaya and Taignoagny explained to Cartier their familiarity with the region. To quote from the original text: "Et par les deux sauuaiges que auions prins le premier voyage, nous fut dict que cestoit de la dicte terredeuers le Su, &que cestoit une ysle, &que par le Su d'icelle estoit le chemin a aller de Honguedo (Gaspé), ou nous les auions prins lan precedent a Canada: Et que a deux iournees du diet cap. & ysle commenceroit le royaulme de Saguenay a la terre deuers le Nort allant vers le diet Canada." The expedition sailed around the west point of Anticosti, crossed over to the Gaspé shore and cruised along, later recrossing to the north shore, past the Bay of Seven Islands to the Point des Monts. This, the two Indians declared was the beginning of the kingdom of Saguenay, a habitable country from which copper could be obtained. Cartier noted that the north and south shores were at this point only about thirty leagues (really twenty-five miles) apart. The Indians told him that he was then at the beginning of the great river of Hochelaga, the passage-way to Canada—(Grant Silenne de Hochelaga & chemin de Canada). From here, they said, the river gradually narrowed to Canada, beyond which the stream became fresh; and then the fresh water continued on indefinitely, navigable only by small boats; and that no one, so far as they had heard, was ever

known to have been to the end of it. Here we have the first recorded description of the St. Lawrence valley. The terms Saguenay, Canada, and Hochelaga, as Cartier heard them, have remained a permanent part of the nomenclature of Cartier's discovery.

From Point des Monts Cartier made his way by degrees up the river. He passed the mouth of the Saguenay, describing it as "*une riviere fort perfonde & courante, qui est la riviere et chemin du royaulme & terre de Saguenay.*" On the 8th of September he dropped anchor by the Ile D'Orleans and, taking Domagaya and Taignoagny with him, went on shore. The Indians found themselves at home again, for within a short distance was the group of villages from which they originally came. Their presence at Gaspé the summer before came from an excursion on the part of the villagers for the summer fishing off the peninsula. Great was the rejoicing at the return of the "captives." Cartier and his company received an elaborate visit of welcome from the natives, headed by a chief, Donnacona, from the village of Stadacona. Cartier speaks of Donnacona as the "*Sieur de Canada.*" The season being well advanced, Cartier sought out winter quarters for his fleet. He chose the St. Charles River (named by him the St. Croix), and took the two largest ships up the stream as far as its junction with the Lairet. Here he decided to winter, and began preparations accordingly. But before navigation closed it was his intention to satisfy his curiosity about Hochelaga, of which the Indians had said so much, and he proposed to use the smallest ship, l'Emerillon, for continuing his journey up the river. So far, barring one or two minor disputes, relations with the Indians had been friendly, but Cartier's determination to go to Hochelaga, for some reason or other, sorely displeased Donnacona, and he sought every means to prevent the enterprise. Notwithstanding this display of unfriendliness, Cartier continued his preparations, and on the 19th of September, taking the Emerillon and two boats, he started out.

The water-way from Stadacona to Hochelaga (Montreal), upon which Cartier was about to sail, is bound up with the history of the province through which it flows to a degree only to be appreciated by those who have lived on its banks. Along its course for 160 miles, and along its tributaries, were later to be distributed the towns, the villages, and the seigniories of the

old regime. It was to be the scene of the splendour as well as the tragedy of French colonial life; the especial home of the French Canadian people. One may readily be pardoned for letting the imagination dwell on the picture of the Emerillon, the first vessel to cut these waters with its bow, threading its uncertain way to the "kingdom of Hochelaga"—the pioneer of a new civilization and the harbinger of the mighty traffic of to-day.

The Emerillon left Stadacona on the 19th of September, and on the 28th reached Lake St. Peter. Unable to find the channel of the river in the shallow waters of the lake, Cartier took the risk of leaving his ship behind, and pushed on with his followers in the two boats. By October 2nd they reached Hochelaga and landed amidst the tumultuous welcome of the Indians.

It has been inferred that the village of Hochelaga lay perhaps somewhere in the vicinity of the present Dominion Square in the city of Montreal. A plan of the village is given in Ramusio's collection of Voyages, from which it has been copied into almost every history of Canada. As for the Indians with which Cartier came in contact it is also inferred, from a few hints in his narrative, that they belonged to the Huron-Iroquois stock. Cartier endured with becoming patience the tedious formality of the entertainment proffered by the Hochelaga Indians, and the Indians, in turn, listened with becoming gravity to Cartier's explanation of the mysteries of the Christian faith. But nothing could they tell him of the coveted passage to Cathay. They took him to the top of the mountain to survey the prospect, "*la terre la plus belle qu'il est possible de veoir, unye, plaine, & labourable*"—Cartier named the mountain Mont Royal. More than a century later, when the village of Hochelaga was no more, and the piety and bravery of a small band of French enthusiasts had called into existence the settlement of Ville-Marie, the name given by Cartier to the noble hill upon which he stood gradually attached itself both to the town growing up under its shadow, and to the island on which it stood. The name Montreal is possibly the oldest geographical term of French origin which has survived in the history of the province, with the exception, perhaps, of Blanc Sablon.

Cartier stayed at Hochelaga but a short time, for on October 11th the Emerillon had joined the other ships in their winter-quarters in the St.

Charles. On the way down Cartier stopped at the present site of Three Rivers to turn into the St. Maurice, called in the narrative "la riuiere du Fouez." Authorities agree in adopting Lescarbot's explanation that the author of the narrative meant to write Foix (Cf. Sulte; *Histoire de la Ville des Trois Rivières*). On one of the islands at the mouth of the St. Maurice Cartier erected a large cross, probably resembling the one set up the year previous at Gaspé, with an escutcheon at the centre showing fleur-de-lis in relief, and the inscription in large letters: "Vive le Roy de France."

Of the winter passed by the voyagers in the rude fort built at the junction of the Lairet and the St. Charles, it is not necessary to write in detail. The Jacques Cartier monument in Quebec points to the site of the spot where the first Europeans endured the rigours of a Canadian winter. The monument bears on one side the inscription:—

Jacques Cartier
et ses hardis compaignons
les marins
de la Grande Hermine
de la Petite Hermine et de l'Emerillon
passèrent ici l'hiver
de 1535-36.

From October till May their dreary confinement dragged on. Cartier had anticipated the cold, and, singularly enough, none of the company seem to have complained of it. But as the winter drew on scurvy made its appearance (*mal-de-terre*, they called it) and decimated the camp. Not until Cartier learned from one of the Indians the remedy used by the natives was it possible for the French to cope with the malady. A potion made by steeping the leaves and bark of the red spruce proved efficacious; but twenty-five of the men had already succumbed to the disease. His company thus depleted in numbers, Cartier made preparations for the homeward voyage as soon as the river cleared. On May the 3rd he erected

a cross to mark the sovereignty of the King of France. It bore the inscription on the shield:—

Franciscus Primus

Dei Gracia Francorum

Rex Regnat.

The same day he started for France, leaving la Petite Hermine behind, as his crew was only large enough for two vessels. He carried with him Donnacona and nine other Indians, who were taken by a stratagem before the vessels got under way. This act of kidnapping is the one and only questionable manœuvre of which Cartier seems to have been guilty. The fleet was steered a southerly course in the gulf, and passed into the Atlantic through Cabot Strait. Thus ended the memorable voyage of 1535-36.

When Cartier next appeared in the St. Lawrence it was not as leader of another expedition, but merely as a lieutenant in the service of one of the king's courtiers. To place the discoverer of the St. Lawrence in a position subordinate to that of a time-serving courtier has always seemed to Cartier's admirers ungracious. And the courtier in question, Jean François de la Roque, Sieur de Roberval, has been credited with the design of snatching at the laurels due, in all justice, to the St. Malouin. But one hesitates to believe that such were Roberval's intentions. A study of the commission given to Roberval may serve to explain his position. It should be mentioned that Lescarbot, when writing his *Histoire de la Nouvelle-France* could find no copy of the patent, and succeeding writers who follow Lescarbot as an authority usually overlook the document in question. It should be borne in mind that when, in his second voyage, Cartier found himself brought into a river, that is, into fresh water, the expedition appeared to some extent a failure. But while further exploration seemed uncertain, there might be some reason to hope, so the king probably thought, that the lands already discovered by Cartier would, like Mexico and Peru, contain deposits of the precious metals. In imitation of Spanish colonial policy, then in the first flush of success, he would take formal possession of the "kingdoms of Canada, Hochelaga, and Saguenay," and commence a settlement of the country for the purpose of developing the supposed mines. A

perusal of Roberval's commission leads to this conclusion. Not only was provision made for the government of the settlers, but even the seigniorial system, applied in the next century to the agricultural regime of the colony, was here distinctly foreshadowed. We read in the text of the patent of "*fiefs et seigneuries, rellevans et mouvans de nous et nous en faisant les foy et hommage.*" In other words, Roberval's voyage was intended to be the beginning of the permanent colonization of the regions discovered by Cartier.

Admitting this, we begin to see some reason for subordinating Cartier to Roberval. In devising a scheme for the government of the colony the king had recourse to the one available model at the time, namely, the administration of the French province. On such a model Canada was later administered. To the king it may have seemed somewhat incongruous to bestow on Cartier the civil and military administration of a colony. Even when Champlain sailed to Canada in 1603 he was only "*geographe royale et capitaine dans la service de la mer.*" Granting the self-seeking and profligacy of Roberval's character, it must be clear that, by station at least, he was much more qualified than the "*sturdy mariner of St. Malo*" to assume the duties of a provincial lieutenant-general in a new colony. To Cartier, therefore, fell the unwelcome task of escorting to the lands which he had discovered an official superior, who as "*lieutenant-general et chef ducteur*" employed him as a lieutenant.

Cartier and Roberval were to have sailed together in 1541, but Roberval, unable to secure his contingent of settlers in time for the date set for starting, sent Cartier ahead. In August Cartier found himself once more at Stadacona. The Indians treated his arrival with ill-concealed hostility, for Donnacona and the nine others who had been kidnapped on the last voyage were not on board the ships. The excuse that they preferred to remain in France did not deceive the villagers, and Cartier saw that he and his company must remain on guard for their safety. A site for a camp was chosen by the little stream, Cap Rouge, at a safe distance from Stadacona. The camp received the name of Charlesbourg Royal. Before winter set in Cartier went up the river as far as Mont Royal, but returned after assuring himself that the rapids (Sault St. Louis, later Lachine) were impassable.

So far Roberval had not appeared, and when the winter was over, not wishing to risk the arrival of his chief with provisions, Cartier broke up the camp and started for home. Before leaving he gathered together a few specimens of quartz, under the mistaken impression that they were diamonds (hence Cape Diamond), and carefully took them with him.

In the harbour of St. John, Newfoundland, he met Roberval, who had just arrived from France. For reasons which are not altogether clear, Roberval found his lieutenant unwilling to remain with the expedition. Cartier slipped away from the harbour of St. John, taking his men with him, and Roberval was obliged to proceed to Canada alone. He had with him some two hundred followers, and these he managed to conduct to the abandoned camp at Charlesbourg Royal. He renamed the camp François Roy, and made preparations for the winter. But his followers were poorly adapted for the life of pioneers. Many of them had been impressed from prisons at home, and formed an element of disorder which Roberval suppressed only by capital punishment. Fifty died from the scurvy. In the summer of the next year, after an unsuccessful attempt at exploration, chiefly in the Saguenay region, whence Lake St. Jean, the unfortunate expedition sailed for home. The first effort to create a New France had failed.

Not for over fifty years was the effort renewed, and then under quite different circumstances.

In the meantime, the fisheries off the Newfoundland coast continued as before. This traffic became much more extensive after the discoveries of Cartier. Vessels which formerly hovered off the Newfoundland coasts now made their way confidently into the gulf and exploited the fisheries in its waters. Closer association with the natives on the shores led to a barter for furs. It was soon discovered that this new traffic found an excellent market at home, so much so that fishermen became traders as well, and developed an industry which eventually became the economic foundation of future colonial enterprise. Traders pushed their way as far up as the mouth of the Saguenay, and inaugurated the first of those annual fairs with the Indians which became so picturesque a feature of colonial life. Tadoussac was the first, and for many years, the most flourishing trading-

port of New France. But as yet it was only a summer port; the traders came and went the same season.

The profitable nature of the fur traffic led many of the merchants of the seaport towns of France to invest their capital in the gulf trade. As early as 1570 there are to be found traces of an association among the merchants of Rouen. In 1588 we find the first application to the Canadian trade of the principle of monopoly, at that time the basis of all corporate colonial enterprise. In that year Henry III. granted to Jacques Noël, a nephew of Cartier, and to one Etienne Chaton, *Sieur de la Jannaye*, a monopoly of the Canadian fur traffic for twelve years. The grantees were given the right of settlement, of erecting forts, and of impressing prisoners as colonists. Instantly protests came from all the merchants of the coast towns who enjoyed freedom of traffic in the gulf, and the Parliament of Brittany, refusing to register the patent of monopoly, the king yielded the point, and withdrew his grant the next year. Even before this, in 1577, and again in 1578, the Marquis de la Roche, a Breton nobleman, had conceived the idea of forming a settlement in the new world, but the distracted condition of France, then in the throes of civil war, caused him to postpone the enterprise. When at last the accession of Henry IV. brought peace, the Marquis de la Roche sought a commission from the king, and the year of the Edict of Nantes became "lieutenant-general and gouverneur" of the proposed colony. His attempt to lead an expedition to Canada, and its disastrous result is well known. A part of his company consisted of convicts. When in the vicinity of Sable Island de la Roche adopted the plan of landing his convicts, in order to avoid any possible disturbance from them while selecting and building a settlement. Some forty unfortunates were landed on this desert waste, but de la Roche, encountering a storm, was forced to run before the wind and was unable to return to the island that season. For some years the castaways existed after the manner of savages, and when at last the king sent a ship to their rescue, only a dozen survivors could be found.

Despite the failure of de la Roche, the colonial movement was beginning to grow. Back of the movement the forces at work were few and simple. On the part of the Court was a laudable desire for the colonization

of the lands in North America, and also a pious wish to bring the savages within the pale of Christianity. For either object the king hesitated to make any financial sacrifice. But he could make them fulfil the condition of a grant of the monopoly of the Canadian trade. This indirect performance of the high function of Church and State, by a sordid appeal to commercial instinct, fettered and degraded the whole question of colonial enterprise for some years to come.

During the next few decades the leading figure in the Canadian movement was François Gravé, Sieur du Pont, or as he is commonly styled in contemporary documents, Dupont-Gravé, shortened into Pontgravé. Pontgravé at first associated himself with one Pierre de Chauvin, of Honfleur. In 1599 Chauvin obtained from Henry IV. the commission which had been granted the previous year to the Marquis de la Roche. Chauvin became lieutenant-general and official head of the enterprise, and Pontgravé general manager of its commercial interests. The two associates, taking with them the Sieur de Monts, sailed in 1600 to plant a settlement on the banks of the St. Lawrence. This was by no means Pontgravé's first voyage to Canada. He was already familiar with the site of Three Rivers, and knew the possibilities of the trade with the Indians there. He would have chosen Three Rivers as the site of the settlement which he and Chauvin had in view. But Chauvin preferred Tadoussac, and the two agreed to make their experiment there. Wooden buildings were put up before winter set in, and sixteen men left to await the arrival of the Indians of the upper Saguenay with their loads of furs the next season.

Chauvin died in 1603, and Pontgravé transferred his partnership to Aymar de Chastes, governor of Dieppe. The two continued the monopoly of the fur trade, though admitting many of the merchants of Rouen, La Rochelle and St. Malo into the enterprise. The expedition which went out in 1603 is memorable as the first occasion in which Champlain sailed into the St. Lawrence. Champlain's career previous to 1603 obviously does not fall within the limits of this history. He was already a navigator of experience, having taken service under the King of Spain as captain of one of the vessels going to the West Indies. At the end of a two years' cruise, during which he had picked up much information about the Spanish possessions in

Central America, he returned to France and received from the king the title of *Geographe Royal*. Being at Dieppe in 1603, he learned from de Chastes of the sailing of the ships for Canada and solicited a place in the expedition. This was his first introduction to Pontgravé, and the two made their way together into the St. Lawrence. Champlain explored the river as far as the Sault St. Louis, collecting from the Indians all the information possible about the country drained by the Saguenay, the St. Maurice, and the Richelieu. In the account of his exploration which he wrote for the king we find the first mention of the word Quebec. It was the term used by the Algonquins to designate the narrows into which the St. Lawrence contracts by the present city of the name. When Pontgravé and Champlain returned from the expedition of 1603 they found that de Chastes had died. Henry IV. conferred his commission on Pierre Dugas, *Sieur de Monts*, coupling with it the exclusive privilege of the fur trade for ten years. To the *Sieur de Monts*, to Pontgravé, and to Champlain was due the founding of Acadia, to which they now directed their attention. It was not till 1608 that, urged by Champlain, and still under the authority of his original charter, which had been revoked but regranted for one year, that de Monts sent out the expedition with which the permanent history of Canada begins.

CHAPTER II.

Foundation of a post at Quebec, 1608—Trading companies—The Indians—
Battle with the Iroquois, 1609—Champlain in the upper Ottawa and
the Huron country, 1613, 1615—Fur trade—New trading companies—
No actual settlers—The Recollets, 1615—The Jesuits, 1625—Louis
Hébert—State of the colony, 1617-1627—Fort erected at Quebec, 1621,
1626.

It was on the 3rd of July, 1608, that Champlain marked out the site of the first building in the city of Quebec. The situation appears to have been not far from the church of Notre-Dame des Victoires in the lower town. The style of the building followed the uses to which such a structure must be put; for it required to be not only a dwelling, but a store house for the company as well. In addition, as a safeguard from possible attack, it must needs serve as a fort. An illustration of this historic building, drawn probably by the founder of Quebec himself, is to be found in almost every Canadian history, reproduced from the original in Champlain's own narrative. The "Abitation de Quebec," as the traders called it, took all the labour before winter set in, of the men who had come out on the expedition. While the structure was going up Pontgravé trafficked for a cargo of furs, and when he was ready to sail back to France with the results of his trading, preparations had been completed for housing Champlain and twenty-seven men. The latter were mostly clerks and traders in the company. Once more, as in the expeditions under Cartier and Roberval, the dreaded *mal-de-terre* made its appearance during the winter, and only eight men survived to see the return of Pontgravé and his ships the next spring.

From now till his death in 1635, Champlain is the central figure in the history of the colony. All the forces at work in developing the settlement or in retarding its progress touched him so intimately that his career is the best epitome of the general movement. How thoroughly complex, and

at the same time discordant, the movement was, the difficulties under which Champlain laboured make only too clear.

For the first ten years after the founding of Quebec, Champlain served in the interests of merchants in France who saw in Canada a rare opportunity for exploiting the fur trade. For the success of this traffic two things were essential; one of which obviously was that the Indians should be willing to traffic. The other involved wider considerations. As yet the French in Canada counted a mere handful of men at a fortified trading post. In case of an emergency, immediate safety might be found behind the walls of the habitation, at Quebec; but ultimate safety depended upon the good will of the Canadian Indians. As for the latter, some explanation is necessary.

The Indians whom Cartier found at Gaspé, and later in Stadacona and Hochelaga, are inferred to have been of Huron-Iroquois stock. Since Cartier's time Stadacona and Hochelaga had disappeared, together with the peculiar type of Indian settled life which Cartier described. In place of the Iroquois was to be found an Algonquin stock divided into various tribes scattered along the lower Ottawa and St. Lawrence. The Iroquois themselves (the Five Nations) occupied a stretch of land running westward from the upper waters of the Hudson to the shores of Lake Ontario. Between Lake Simcoe and Lake Huron clustered the villages of the Wyandots, or Hurons, kinsmen of the Iroquois. As Champlain discovered, between the Algonquins and the Hurons there existed an alliance born of their common dread and hatred of the Iroquois. Such was the situation as it presented itself to Champlain in the spring of 1609, at the time when some steps towards a definite policy with the Indians became urgent. So far the company had secured its furs from the Montagnais, a branch of the Algonquins on the lower reaches of the St. Lawrence. From a few of the Indians who had come to the trading post at Tadoussac he had heard of the general enmity of the Canadian Indians towards the Iroquois, and had even made an indefinite promise of the assistance of his men to help them in their war parties against their common foe. In the spring of 1609, while waiting for the arrival of Pontgravé from France, Champlain had taken a short trip up the river and had come upon an Algonquin council discussing plans for an

expedition that season to the Mohawks, the easternmost branch of the Iroquois. The expedition was to be made in conjunction with the Hurons, who were coming down from the Georgian Bay district. Champlain agreed to assist in the campaign, thus taking the irretrievable step which determined for the next century and a half the relations between the French and the Indians. With a few Frenchmen he followed his Huron and Algonquin allies along the historic waterway which leads from the St. Lawrence to the Hudson. Suffice it to say that the French muskets, seen by the astonished Mohawks for the first time, gained a victory for the Canadian Indians. For Champlain the immediate fruits of the victory were a closer association with the Algonquins and also with the Hurons, who promised to allow the traders of the company to accompany them in their canoes back to the Huron country. Some years later, in 1615, Champlain himself undertook the long journey up the Ottawa and over to the Huron villages, and there assisted them in an expedition against the Senecas, the western branch of the Iroquois. This drew closer the relations with the French and the Hurons—relations which were in turn strengthened by the work of missionaries. From the Huron country a plentiful supply of furs found their way into the company's storehouse at Quebec. The traffic, once established, continued for years, though at the expense of protecting it from the Iroquois, who, from the fateful expedition of Champlain in 1609, strove unremittingly to annihilate it.

But while smoothing the way for future traffic with the Indians Champlain had other questions to confront. Against the problematical success of the association with the Hurons and Algonquins, he had to balance the ever increasing difficulty of relations with the colonial authorities at home. The real conception of a colony had scarcely then begun to unfold itself. Colonial administration as a political art was then, so far as England and France went, in its infancy; and Champlain, and Canada with him, suffered from the early crude and unintelligent experiments in that direction. As a commercial enterprise the subject of the Canadian trade divided the merchants of the French seaport towns into two hostile factions. The popular demand called for free trade, that is to say, an unrestricted traffic with the Indians. Judged solely on its merits as a commercial issue, the opponents

of free trade may perhaps be awarded the better side of the argument, for, as Pontgravé himself had learned from experience, open competition with the Indians made the traffic in furs almost unprofitable. Pontgravé became the foremost advocate of monopoly on no higher grounds than economic justification. But it was precisely at this point that Champlain could take up the question and lift it to a different plane. As a statesman and a churchman he saw that a trading company, given its right to a monopoly, might be made to subserve the higher purpose of colonization. We can, therefore, understand his policy in not countenancing unrestricted traffic.

For Champlain in Canada the problem reached an acute stage before the trading post at Quebec had lived through its first year. When Pontgravé returned to Quebec in 1609, he brought news that the company of associates under de Monts had failed to secure a renewal of their charter, which indeed had only been granted for one year. Consequently the St. Lawrence was open to all traders alike, indiscriminately, and the associates under de Monts had to take their chances in the open barter with the Indians. Trading vessels no longer stayed at Tadoussac, but made their way up the St. Lawrence as far as the Sault St. Louis (Lachine) in their endeavour to barter for a cargo. The Indians showed a keen understanding of the altered situation, for they would hold back their furs till all the trading fleet had arrived, and would then drive their bargains amidst the competition of all the traders. Beaver skins, which formerly had exchanged for a knife or two loaves of bread went up to twenty times their former value. For four years at least Champlain witnessed this scramble. But we may well believe it was not the financial loss to the de Monts associates which appealed to him so much as the spectacle of license on the part of the traders, and the delay in bringing about the settling of the colony. For the traders came only for the season; they were not colonists. Consequently we find Champlain returning to France every winter in an effort to have the question of free trade or monopoly settled again.

Judging that the retention of a monopoly depended upon court influence, Champlain strove to withdraw the fortunes of the colony from the vortex of petty court intrigue. De Monts had borne the title of lieutenant-general and governor of Canada. But Champlain could urge that the

building up of New France, and more especially the mission to the Indians were objects worthy of a patronage at once exalted and disinterested. His views prevailed. Canada was raised to the dignity of a vice-royalty, and the office of viceroy bestowed upon one of the princes of the blood royal, the Comte de Soissons. The scheme of a vice-royalty was one which had many obvious merits. Best of all, it enabled Champlain to repair to Quebec with a full knowledge that his plans for the upbuilding of the colony had the high sanction of the king and the court. Canada retained the status of a vice-royalty until 1627, that is, roughly speaking, fifteen years, for the Comte de Soissons was gazetted viceroy in 1612. Owing to the death of the Comte de Soissons, the title and dignity passed that same year to the Prince de Condé. Some years later it was transferred, for a consideration of 11,000 crowns, to the Duc de Montmorenci, Admiral of France; and from him, in 1625, to the Duc de Ventadour. Each viceroy commissioned Champlain in turn with the office of lieutenant and governor of the colony.

In the meantime Champlain had succeeded in organizing a new company and in securing from the viceroy the sanction of a monopoly. Yielding to the clamour for free trade, the viceroy divided Canada into two zones, drawing the line of division at Quebec. Below Quebec trade was to remain free, while above the company controlled the traffic. As a result Tadoussac, at the mouth of the Saguenay, in the free trade zone grew into a thriving port, quite outstripping its rival. While Champlain's authority as lieutenant-governor extended over all Canada, his position as guardian of the interests of his company naturally confined his attention to the upper St. Lawrence. To offset the traffic which followed the course of the Saguenay to the free trade zone he was led to improve his relations with the Hurons, and to confirm them in the good understanding already begun by the attack on the Mohawks in 1609. To this end, the company's clerks and traders were sent into the Huron country, while, at the same time, though keeping their storehouse and headquarters at Quebec, the company made Three Rivers a new centre of traffic. As mentioned above, Champlain himself made the journey into the Huron country in 1615 and won the good feeling of the tribe by assisting them in a foray against their nearest Iroquois neighbours.



Grambslain-

In all this Champlain satisfied the shareholders of the company. But soon after the Huron expedition, a divergence of opinion manifested itself. The company's charter required it to further a mission to the Indians, and to promote the settlement of colonists. The merchants shirked the latter duty. Both they and their successors, the associates under de Caën, seemed to fear that the presence of settlers in the colony, other than the employees of the company, would interfere seriously with the course of traffic with the Indians, inasmuch as the settlers could hardly be restrained from trading on their own account. Their fears were not groundless, for this very situation arose sometime later. But Champlain insisted upon the fulfilment of the terms of the charter, and to overcome his insistence the company took the futile step of dismissing him from its service in Canada, appointing Pontgravé in his stead. Freed then from the company's control, Champlain fell back upon his single responsibility as lieutenant and governor for the viceroy. A crisis in the history of the colony had been reached. The merchants apparently thought that their choice of Pontgravé might induce the viceroy to confer upon him the office of lieutenant. Had this come about, the whole colonial movement might have been reduced to the sordid level of a commercial venture. Fortunately the king and the viceroy both supported Champlain, and he was enabled to assert his civil position as governor at Quebec, despite the opposition of the company's supporters. The policy of colonization had carried the day.

Hardly had the crisis passed when news reached Quebec that the company had been dissolved. Ostensibly on the ground that the stipulation for promoting settlement had not been met, the viceroy confiscated the charter and conferred its monopoly upon a new company. The leading figure in the new association was Guillaume de Caën, a Huguenot; the new body, in fact, was of a decidedly Huguenot complexion. Eventually the de Caën company absorbed the shareholders of the old association. They retained their charter with the monopoly of the fur trade until 1627, when the affairs of Canada came under the direction of Cardinal Richelieu.

Under the administration of viceroys and trading associations the colony so far had made little noticeable progress. Immigration was confined to traders and clerks; scarcely a family had ventured to try its for-

tunes on the soil of the new world. In 1620, twelve years after the founding of Quebec, the post numbered only sixty souls; in 1628 it could count only seventy-six. The first record of a family settling in Quebec belongs to the year 1617. It was the family of Louis Hébert, later *Sieur de l'Espinay*, and consisted of his wife, two grown-up daughters, and a boy. One of the daughters, Anne, married during the year of their arrival, and thus had the distinction of the first marriage in Canada. If the account of Friar Sagard is to be credited in this respect, the Hébert family endured every conceivable hardship at the hands of the company. Persecution was of no avail, for Hébert refused to be driven away. He was the first colonist to receive a grant of land upon a seigniorial tenure; he was also the first to undertake agriculture in a serious way. It has been said that some of the traders sought Indian wives and brought them to the settlement at Quebec, but no proof of this can be found. The history of every family settled in Canada during the 17th century is easy to consult; there is no ground for such unions. It is true that on some occasions, between 1650 and 1700 the Church did not discourage these marriages when the sacrament was duly performed; though, to judge from the complaints of the Fathers, not a few of the traders followed in this respect, as in many others, the loose standards of Indian life and were lost to the colony.

Champlain took the first step towards a mission to the Indians by offering the field of Canada to the Recollets, a branch of the order of Saint Francis. In 1615, four members of the order reached Quebec: Father Denis Jamay, Father Joseph le Caron, Father Jean d'Olbeau, and a lay brother, Pacifique du Plessis. Father le Caron had dedicated himself to the Huron mission, and, scarcely stopping in Quebec, proceeded, immediately after his arrival to the Huron rendezvous at Three Rivers, to find a passage to the Huron country in the canoes returning from the annual fair. Father d'Olbeau spent the winter in a tedious sojourn with the Montagnais, trying to familiarize himself with their habits of life and ways of thinking. To Father Jamay and Pacifique du Plessis were left the station at Quebec, consisting of a house and a roughly constructed chapel, probably not far from the habitation. For the next few years the Recollets performed all the functions of secular clergy. By 1620 they had begun the erection of a

monastery (Notre-Dame des Anges) on a site at some distance from the habitation on the banks of the St. Charles. Their buildings consisted of a dwelling house, a church, and later a seminary. The Fathers endeavoured to make their estate self-supporting, in this respect setting an example to the shiftless traders who depended altogether upon supplies from home. Aside from their missionary labours the Fathers actively seconded Champlain in his efforts to bring settlers to Quebec. They would accompany the governor to France to second his appeals for the welfare of the colony. The very year following their arrival in Quebec they induced a few settlers, some of them, it would appear, with their families, to come to New France. It was they, doubtless, who prevailed upon Hébert to emigrate with his family in 1617. Other settlers came: Couillard, Pivert, Martin, Desportes, Duchesne. Among the names of the traders in Quebec during these early years we find the names of Brulé, Hertel, and the Godefroy.

For ten years the Recollets laboured alone. Their expenses were borne, grudgingly enough, by the company, which was required by its charter to maintain six clergy. It fulfilled this requirement by maintaining five. To one of these, Father Gabriel Sagard, who came to Quebec in 1623, we owe a contemporary history of Canada. Father Sagard is not an impartial historian and he seems to have little appreciation for the genius of Champlain. But he chronicles the work of the Recollets, which otherwise would have been passed over lightly; for Champlain's mention of it in his works is by no means too favourable, a fact which had led to the conjecture that Champlain's original text may have passed through the hands of an editor unfriendly to the Recollets. From Father Sagard we learn of the difficulties which the early missionaries had to encounter in their work among the Indians. They found conversion by preaching a somewhat hopeless task, and they soon recognized that evangelization could only come as the result of the careful, patient training of the savages. Institutions for the education of Indian children were essential, but the Recollets by their vows of poverty could not hold property in their own name. Without the necessary funds the mission to the Indians would languish. According to Father Sagard, the Recollets appealed to the Society of Jesus in the hope that this order would come to their assistance by sharing the evangelization of

the savages. Such a plan accorded only too well with the wishes of the viceroy, at that time the Duc de Ventadour. Both in spirit, for they were born of the devotion of the Counter-Reformation, and in means, for they were not hampered by vows of poverty, the Jesuit Fathers were pre-eminently qualified for the work in Canada.

It would be out of place here to attempt an eulogy of the members of the Society of Jesus, who from the earliest days of the colony down to the present time have furthered the cause of the Church and of education in Canada. The first members of the order reached Quebec in 1625. The Huguenot traders, feeling the Recollet Fathers more or less under their control, were not pleased to see an order of independent means finding a foothold in the colony. The Jesuit Fathers were not given a very cordial reception. No dwelling was provided for them, and they had to accept the hospitality of the Recollets. The first arrivals were Charles Lalemant, the Superior, Jean de Brébeuf, Ennemond Masse, and two lay brothers, François Chartres and Gilbert Buret. The year following, the Duc de Ventadour granted them the seigniory of Notre-Dame des Anges, lying along the banks of the St. Charles river. This grant to the "Reverend Fathers of the Society and Company of Jesus" was the first of the many estates with which the order was endowed, and which made it in the course of time the largest individual landholder in New France. Father Lalemant chose as the site of their mission house the tongue of land at the junction of the Lairet and the St. Charles, near the spot where Cartier and his followers had wintered in 1535-36. Here, with the services of twenty carpenters brought over from France, the early home of the Fathers was erected. The same year Father Brébeuf inaugurated the work of his order among the Hurons. Eventually twenty-seven mission stations were to be found among the villages around Georgian Bay. (The exact location of these stations we owe to the researches of the Rev. Arthur E. Jones, S.J., whose map of the Jesuit missions in Huronia has recently appeared.) In the course of time the Jesuits superseded the Recollets in Canada, indeed it was inevitable that they should do so, as they enjoyed the distinct preference of Cardinal Richelieu.

Quebec had been in existence nineteen years before the colony came

under the supervision of Richelieu, yet in all that time nothing had been done to develop the agricultural resources of the country. The soil around Quebec was fertile, and Champlain himself found it well adapted to the cultivation of cereals. But he never succeeded in inducing the company's servants to touch the soil; and the earliest settlers found trading with the Indians more congenial than the arduous work of clearing and ploughing. Louis Hébert seems to have been the one exception to the general rule, and he has been aptly described as "the first farmer in Canada." The Recollets, also, cleared their ground and brought it under cultivation. Champlain made the land at Cap Tourmente a pasture for cattle to supply the men of the fort. But for many years Quebec lived precariously upon the supplies sent out yearly from France. Even as late as 1660, when the population around Quebec numbered in all 1,675, a ship had to be despatched to France late in the season for a load of flour. Often the settlement experienced a shortage of supplies, especially if the season's ships from France were late in arriving.

While agriculture languished, the traffic in beaver skins flourished. Writing in 1625, the year of his arrival, Father Lalemant estimated the annual export of the company at from 15,000 to 20,000 skins, valued at one pistole apiece. Traffic with the Indians was then to be seen in all its picturesque details at the annual fair at Three Rivers. To this point came the Hurons from Georgian Bay, taking six weeks or more for the journey. The canoes would start towards the end of May, and reach Three Rivers early in July. The fair lasted about seven days, and both the Jesuit and the Recollet Fathers frequented the gatherings. The annual fair at Three Rivers, and the arrival of the fleet from France in the spring made up the two chief events of the year for the colony.

Life in Quebec in the early years was not without its darker side. Occasions arose when the settlement feared extermination at the hands of the Indians. In 1617, for instance, some eight hundred Montagnais assembled at Three Rivers, fearing the French might proceed to extremities for the murder of two Frenchmen the year before. Against such a force the sixty inhabitants of the trading post could have done nothing, and had it not been for the fortified "habitation" their lives would have been in

danger. Fortunately a crisis was averted, and Champlain, who was in France at the time, adroitly adjusted the difficulty on his return to Quebec the following spring. He could ill afford at that juncture to break with the Montagnais, for his whole Indian policy depended upon peaceful relations with the Canadian Indians. A graver cause of anxiety came from the pronounced hostility of the Iroquois. In 1622 an Iroquois war party hovered about Quebec and kept the inhabitants in daily terror for their lives. The savages laid siege to the Recollet monastery, nor did they give up its capture till, after eight days of waiting, they had found the defence too stubborn for their prowess. Their intercourse with the Dutch, now established on the Hudson, gave them a supply of firearms—an ominous outlook for the French on the St. Lawrence. For the better protection of Quebec Champlain made a beginning towards the fortification of the city. At the outset, the old habitation constructed in 1608 had served the purpose of a fort. A recent writer has aptly described this structure as the combination of a “mediæval castle and a backwoods stockade.” After twelve years of service the original habitation fell into decay, and during Champlain’s stay in France from 1618-1620 the indifference of the company’s clerks allowed one of the wings to collapse entirely. In 1620, on his return to Quebec, Champlain commenced the construction of a fort, choosing as a site the cliff overlooking the settlement in the lower town. The fort was built of wood and designed for protection from the Indians. (The Château, within the fort, was not begun till after the death of Champlain.) In 1626 the fort, known as Fort St. Louis, was enlarged by the addition of two towers, mounted with guns. The two towers collapsed in 1628, as a result of poor carpentering. As yet no garrison occupied the fort, and the armament would have proved of little value in an actual engagement.

Such, in brief, was the condition of the colony when the company under de Caën lost its rights, which the Cardinal bestowed upon a company of his own formation, the company of New France, usually known as the Cent Associés.



MONTMORENCY FALLS.

CHAPTER III.

Huguenot traders—Charter of the Cent Associés, 1628—Plan of colonization—Allotment of lands—Quebec taken by Kirke, 1629—Frenchmen who remained in Canada—Champlain returns to Quebec, 1633—His death, 1635—Situation of the Cent Associés—Seigniorial estates granted—Foundation of Montreal, 1642—The Ursulines and Nuns of the Hospital at Quebec—Return of the Jesuits, 1633—Religious organization—New settlers—Public administration.

The objection which Cardinal Richelieu entertained towards the Huguenot associates of de Caën did not come from a desire to introduce new principles into colonial administration. With perhaps one or two striking exceptions, the new company of the Cent Associés followed along the lines pursued by their predecessors. Richelieu felt little desire to reform; he accepted the theory of colonial development which had already been followed, though with little result. But he was convinced that the whole colonial movement, so far as Canada was concerned, had been mismanaged. The three successive viceroys had complained of the laxity of the companies in discharging their charter obligations to the colony, yet they took no efficient steps to force the companies to observe their agreements. Richelieu was determined to have a company that would fulfil its obligations. The charter which he framed for the Cent Associés, in contrast to the vague terms of previous ones, contained stipulations that were definite and specific. The document was completed April 29th, 1627, and confirmed by the king, May 6th, 1628—at which date therefore the new company began its legal corporate existence. Subject to modification from time to time, this charter defined the basis of Canadian administration until the year 1663, when the company went out of existence.

From the preamble of the charter (*Acte pour l'établissement de la Compagnie des Cent Associés pour le commerce du Canada*) we find

reflected the opinion of the Court as to the reasons why the colony had made so little progress.

“The king,” it declares, “having the same desire as the late King Henry, his father, of glorious memory, to explore and discover the countries, lands and territories of New France called Canada, and a place appropriate for the establishment of a colony, so as to endeavour, with the divine aid, to bring the nations which inhabit them to the knowledge of the true God, and to cause them to be taught and instructed in the Catholic, Apostolic and Roman faith and religion; Monseigneur le Cardinal Richelieu, chief and general superintendent of navigation and commerce for France, being obliged by the duties of his office to bring to success the pious wishes and designs of his said royal masters, hath formed the opinion that the only means of bringing those nations to the knowledge of the true God, is to people the said county with native French Catholics, who by their example may incline those nations to the Christian religion, and a civilized life, and even to the establishment there of the royal authority; also to derive from the said newly discovered lands some profitable trade for the advantage of the king’s subjects; nevertheless, those to whom this task has been confided have had so little interest in performing it, that up to the present only one settlement has been made there, where are maintained ordinarily forty or fifty Frenchmen, rather for the affairs of the traders than for the welfare and advantage of the service of the king; and so poorly have these been assisted up to the present that the king has received numerous complaints in council; and the cultivation of the land has been so little advanced, that if there had been any neglect each year in sending each year flour and other necessaries for this small number of men, they would have died of starvation, not having wherewith to nourish themselves for a single month after the time that the ships are accustomed to arrive there every year.”

It would be difficult to find a more concise statement of failure of the colonial system which had been pursued. But the charge against the old companies is not yet complete.

“Those also,” continues the preamble of the charter, “who had up to the present obtained for themselves the exclusive trade of the country, have

had so little wish or ability to people or to cultivate it, that in the fifteen years, which was the term of their charter, they did not attempt to convey more than eighteen men thither, and although there are still seven years of their period to come, according to the terms of the articles drawn, they have not done their duty, nor begun to undertake that which they obliged themselves to do."

"For although they were obliged to spend thirty-six livres on each person who was willing to emigrate to the said country, they placed many difficulties in the way, and frightened those who were willing to become settlers there; and although it appears they were willing that they should trade with the savages on their own account, yet they did so with so many restrictions that if they had so much as a bushel of wheat from their own industry more than was necessary for their own livelihood they were not permitted to offer it to their neighbours or any who might require it, but were obliged to turn it over to the agents of the company."

"These disorders having reached this stage," concludes the preamble, "Monseigneur the Cardinal believed they required attention, and that in removing them it was right to follow the king's intention so that, by securing the conversion of those nations and the establishment of a powerful colony in this province, New France might be acquired throughout its whole extent, once for all, without danger of the enemies of the Crown snatching it from the French, as might happen if precaution were not taken."

"For this purpose, having examined numerous proposals, which, however, did not provide for the peopling of the country, and having revoked the articles heretofore granted to Guillaume de Caën—Monseigneur le Cardinal has entrusted the Sieurs de Roquemont, Houel, Lataignant, Dablon, Duchesne and Castillon to form a strong company. Which having been done, they agreed with Monseigneur le Cardinal to organize a company of one hundred associates and to do their utmost to people New France, called Canada."

The rights, duties, and privileges of the new association are set forth in a long list of stipulations, a few of which are here summarized.

Article I. The Cent Associés engaged themselves to send to Canada, during the year 1628, from two to three hundred men of different trades,

and within the first fifteen years from date to bring the population of Canada up to 4,000 settlers of both sexes. They were to provide for settlers sufficient subsistence for the first three years after their arrival—or in lieu thereof, to give for each family enough clear land for its support, with seed for planting, and the necessary means of subsistence till the first harvest.

Article II. All foreigners were to be excluded from the colony, while among French subjects only those professing the Catholic faith were to be allowed to settle.

Article III. In each settlement or habitation the associates were to provide for the maintenance of three priests, for the first fifteen years, or to give to the clergy cleared land sufficient for their subsistence.

Article IV. The King conveyed to the company the whole of New France, in full property, jurisdiction, and seignury; subject to the condition of homage and fealty, to be witnessed by the presentation to each successor to the throne of a gold crown of the weight of eight marks. The company had complete power of military defence, but the king reserved for himself the appointment of judges.

Article V. The company was empowered “to improve and settle the said lands as they may deem fit, and to distribute the same to those who shall inhabit the same country—and to give and to grant to these such titles and honours, rights and powers, as they may deem essential and suitable according to their qualities, merits and conditions, and in general upon such charges, reservations and conditions as they may think proper.”

Article VII. The company received a monopoly of the fur trade in perpetuity, and of all other colonial commerce for fifteen years, with exemption (by Art. XIV.) from French customs and duties for the same length of time.

The remaining articles are not concerned with colonial policy, but refer to incidental questions, such as the loan of two ships of war, and the passing of by-laws by the company. It will be seen from the above that, with the exception of the provision in Article II. relating to the exclusion from the colony of all but professed Catholics, the principles of colonial development stood upon the same ground as before. It remained to be seen whether the administration of Richelieu, marked by such vigorous

centralization in France itself, could put life into a movement which had hitherto languished.

The Cent Associés fixed their capital at 300,000 livres, divided into one hundred shares. They elected a board of directors of twelve members with a president. The appointment of Champlain as governor was one of the first official acts of the company. The work of colonization was begun in earnest the very year of incorporation, for, by the terms of the charter, from two to three hundred men of different trades were to be sent to Quebec without delay. A fleet of four ships, having on board settlers with their families, and a store of provisions, cattle, and ammunition, sailed from Dieppe under charge of de Roquemont to begin the new era.

But Quebec had fallen upon evil days. For in the meantime war had been in progress between France and England, and Charles I. gave to Admiral David Kirke a commission for the conquest of Canada. When navigation opened in the spring of 1628 and the settlement of Quebec was looking forward daily to the arrival of the fleet from France, news was brought Champlain that four strange vessels had reached Tadoussac. David Kirke had made his way into the St. Lawrence. Champlain did not remain long in doubt as to the intention of the visitors, for a landing party put to shore at Cap Tourmente, slaughtered the forty head of cattle pastured there, burned the little chapel, and destroyed the farm buildings. Soon a canoe appeared before Quebec, carrying a demand for the surrender of the fort. Champlain refused; for although the enemy might overpower him, there was a chance that the French fleet might come to the rescue before capitulation was necessary. The demand for surrender was not pressed. But the summer and autumn wore away and no news came of the ships so eagerly expected from France. Quebec was in the direst straits for supplies; for the seventy or more inhabitants had exhausted the stock of the previous year. At last came the news that the fleet had been captured. Kirke, instead of coming up stream to attack Quebec, sailed to the mouth of the river to engage de Roquemont as he emerged from the gulf. De Roquemont resisted capture till all his powder was exhausted. His ships fell into Kirke's hands, and the settlers and stores intended for Quebec were taken back across the Atlantic.

Quebec, thrown on its own resources, passed a dreary winter, the settlers subsisting on eels, ground peas, and the little stock of grain that could be procured from the Indians. The situation predicted in the preamble of the charter of the Cent Associés had come true. But the worst was yet to happen. As the season of 1629 opened Admiral Kirke again appeared at Tadoussac, and sent forward his two brothers with 150 men to demand the capitulation of the settlement. Champlain, without means of defence, complied. On the 22nd of July the English flag floated from Fort St. Louis. Louis Kirke, one of the admiral's brothers, installed himself as governor. By the terms of surrender Champlain, the Recollet and Jesuit Fathers, with about two-thirds of the inhabitants, returned to France. Kirke persuaded the remainder to stay behind, but five interpreters, namely: Nicolet, Hertel, Marguerie, Jean Godefroy, Thomas Godefroy, went to the Indians, whilst two others: Marsolet and Brulé, remained in the service of the English. It is well to note here that Nicolet, Hertel, Marguerie, Jean Godefroy and Marsolet married afterwards and became remarkably good settlers. Brulé was killed by the Hurons in 1632 and Thomas Godefroy burned by the Iroquois in 1652. Those who actually remained in the village of Quebec were: Guillaume Couillard, Guillemette Hébert, his wife, their children: Louise, Marguerite, Louis (and Elizabeth, born February, 1631). Next came Abraham Martin, Marguerite Langlois, his wife, their children: Anne, Eustache, Marguerite, Hélène. Then Nicolas Pivert, Marguerite Lesage, his wife, their niece and a young man. Pierre Desportes, Françoise Langlois, his wife, their daughter Hélène. Guillaume Hubou, Marie Rollet, his wife (widow Hébert), and Guillaume Hébert, not yet married. Adrien Duchesne, a surgeon, and his wife, name unknown. We may also mention Le Bailif, Gros-Jean, Corneille, Lecocq, Raye, Froidemouche and Jacques Couillard, all employed by the English until 1632, when every one of them disappears from the records. They were granted freedom of traffic with the Indians on their own account—a condition which, compared with the restrictions imposed by the old company, may have gone a long way to reconcile them to English rule. Kirke remained governor of Quebec for three years, until by the treaty of St. Germain-en-laye of 1632, Canada was returned to France. For a year, de Caën was allowed to remain in

Quebec, in order that a season's traffic might partly reimburse him for his losses, as well as allow him an opportunity to gather together his property. But the season of 1633 saw the ships of the Cent Associés at Quebec, and Champlain once more governor. The policy of Richelieu, so roughly thwarted could now be put into effect.

Champlain was already an old man, and his services to the colony under the rule of the Cent Associés lasted but a few years. He passed away on Christmas day, 1635. It is a lamentable fact that the resting place of the founder of Quebec and the first governor of Canada is not known with any degree of exactness. Assuming that he was placed in a vault within the Church which he himself built to commemorate the recovery of the city (*Notre-Dame de la Recouvrance*), and that the vault was not destroyed by the fire of 1640, it is conceivable that the foundation walls of the parish church which absorbed the old structure of *Notre-Dame de la Recouvrance*, and out of which developed successively the cathedral, and the present basilica, may yet contain the remains of the immortal founder of the city.

Nothing reveals more clearly the peculiar character of the period upon which we now enter—the period between the death of Champlain and the dissolution of the Cent Associés in 1663—than the fact that biographical interest no longer centres about the personalty of any governor.* Active forces were now at work which took the direction of the colony out of the hands of any one single man. Heroes like Dollard, martyrs yet more heroic, as Brébeuf and Lalemant, chivalric visionaries, as Maisonneuve, and numbers of pious, saintly men and women devote their lives to the upbuilding of New France. They are the real founders of the Province of Quebec. The atmosphere they created, even more than the institutions they founded, gave to life in those heroic days of the colony a colour and tone which it has never lost. For rarely is life in all its phases so completely bound up with religious institutions as among the French Canadians.

It was under the guidance of leaders such as these that settlers gradu-

*The governors under the Cent Associés came in the following order:—1628, Champlain; 1635, Marc Antoine de Bras de fer de Chateaufort; 1636, Chevalier de Montmagny; 1648, Chevalier d'Ailleboust de Coulogne; 1651, Jean de Lauzon; 1656, Charles de Lauzon Charny; 1657, Chevalier d'Ailleboust; 1658, Viscomte de Voyer d'Argenson; 1661, Baron du Bois d'Avaugour.

ally found their way into Canada. Richelieu's company did not succeed in sending out the four thousand persons of both sexes which was the complement required by their charter; for in 1663 the population numbered only 2,500. And these, for the most part, were brought over, not directly by the company, but indirectly by the religious organizations and the individual seigniors who received the earliest grants of land. The company thus relieved itself of direct responsibility by shifting the burden of colonization upon the holders of large landed estates. The individual seigniors, whether lay or clerical, selected the habitants for their seignories with discriminating care, in that way restricting immigration to settlers with qualities most desirable for a colony developed under such auspices.

Between 1633 and 1663 the Cent Associés granted about sixty seigniorial estates. Unfortunately only half of them, or less, became effective, that is, were taken with the idea of clearing and settling. The remainder went in some cases to persons who never came to Canada, in others to seigniors unable or unwilling to develop the land. Among the earliest grants are to be found the following: The seignior of Beauport to Robert Giffard, a grant of 600 arpents *en franche aumône* at Three Rivers to the Jesuit Fathers; the île d'Orléans to the Sieur Castillon; the seignior of Lauzon to the Sieur Lemaître; the seignior of Sainte-Croix to the Ursulines at Quebec; the seignior of Noraye to the Sieur Jean Bourdon, and the côte de Beaupré to the Sieur Cheffaut de la Regnardière.

It would seem that Robert Giffard interested himself actively in procuring settlers for his seignior of Beauport. Many of them came from Perche, and found homes not only in Beauport, but also in the côte de Beaupré, and on the île d'Orléans. The seignories in the immediate vicinity of Quebec offered better assurances of safety than those further up the river, and for that reason attracted the earliest settlers. But Three Rivers made fairly rapid progress, due in part to its advantageous situation for traffic, but also to the efforts of the Jesuit Fathers to find occupants for their lands. By 1640, according to Rameau (*La France aux Colonies*), the population of the colony, divided between Quebec and Three Rivers,

comprised no more than three hundred souls. Some contemporary estimates placed it at even a lower figure.

After 1640 a strong impetus came to the colony from the founding of Montreal by the Compagnie de Ville-Marie, which in the space of ten years brought across two hundred settlers. In 1638 the seigniory of Grondines was given to the Hôtel-Dieu of Quebec. Within the next few years among the grants made were: The seigniory of Godefroi, to the Sieur Godefroi; the seigniory of île aux Réaux, and of la Prairie, and of Batiscan to the Jesuit Fathers; of Rivière du Sud to M. Montmagny; of Saint-Gabriel to the Sieur Giffard; of Port-Neuf to M. de La Poterie; of Bécancourt to M. de Bécancourt; of la Chenaye to M. de Gardeur de Repentigny, and of Autraye to the Sieur Jean Bourdon. By the year 1648 the population had increased to between eight and nine hundred souls. Within the next decade we note the following grants: Of la Chevrotière to M. Chavigny de la Chevrotière; of le cap de la Madeleine to the Jesuit Fathers; of Deschambaut to Mademoiselle de Grandmaison; of Saint-Ignace to the Hôtel-Dieu at Quebec; of Gaudarville to the Sieur de Lauzon; of Mille Vaches to the Sieur Giffard; of Neuville to the Sieur Jean Bourdon; of Saint Roch des Aulnaies to the Sieur Juchereau de Saint-Denis, and of Jacques Cartier to dame Gagnier de Wauls. Immigration in the meantime went on rapidly, but, in addition to the settlers coming over from France, population grew from the births in the colony itself. By 1660 or 1663 the steady increase of the population from this last source seemed assured, and the original agreement of the Cent Associés had in part been met. The colony, in other words, had taken root, and a generation of French Canadians was growing up side by side with the new arrivals from France.

Of all the agencies contributing to build up the colony none surpasses in interest the group of associates that founded the city of Montreal. The Jesuit Relations, by making the missionary field of Canada familiar to their readers, kindled among many devout people a desire to devote their lives to the service of the Church in the New World. In the case of a very few the pious desire passed into a distinct "call," accompanied by all the signs of a divine revelation. Such was the nature of the message which

came to one Jérôme le Royer de la Dauversière, a receiver of taxes at Flèche in Anjou. One day at prayers an inward voice bade him establish an Hôtel-Dieu and an order of Hospital Nuns on the Island of Montreal, a place of which he had never previously heard. In the same manner a miraculous message was revealed to Jean Jacques Olier, later founder of the Seminary of Saint Sulpice in Paris, bidding him establish a community of priests at Montreal. Later the two men met for the first time, and each knew by instinct the message which had been revealed to the other. Resolving to obey the summons, the two associated themselves with four others and formed the Compagnie de Ville-Marie. Their objects extended to the establishment at Montreal of a seminary for the training of priests, an order of Hospital Nuns, and a convent for the instruction of young girls. Whether they had in view a settlement to which the three institutions should minister does not appear. The Compagnie de Ville-Marie received from the Cent Associés the seigniorial rights of the greater part of the Island of Montreal, together with a charter empowering them to choose a governor, devise means of defence against the Indians, and to establish courts; but with the express stipulation that the trading rights of the Cent Associés were to be paramount.

In selecting the first governor, the choice of the Compagnie de Ville-Marie fell upon Paul de Chomedey, Sieur de Maisonneuve, a soldier not unworthy in some respects to be compared with the immortal founder of Quebec. To Maisonneuve was entrusted the pious task first conceived by Olier and Dauversière. In 1641 he sailed from France with forty soldiers to prepare for the future settlement of Montreal. Fortune brought to the expedition the consecrated services of Mademoiselle Jeanne Mance, a pious mystic, who saw in the projected settlement the opportunity to fulfil an early vow to labour for the Faith in Canada. Maisonneuve reached Quebec late in the season of 1641, and made a preliminary visit to the Island of Montreal, returning to Quebec to spend the winter. Montmagny, then governor, prompted perhaps by jealousy of a rival though subordinate governor in Canada, and perhaps by the fear that Montreal might eventually absorb the traffic with the Indians from the west, tried to induce Maisonneuve to abandon his original project in favour of a settlement

nearer Quebec. He urged the extreme danger at Montreal from the Iroquois. But Maisonneuve scouted the idea of danger; he would go to Montreal, he said, if every tree on the island were an Iroquois.

On the 18th of May of the following year the flotilla bearing Maisonneuve and his forty soldiers landed on the island at a point later known as Point Callières. Immediately after landing an altar was erected, and Father Vimont, who had come with Maisonneuve from Quebec, celebrated mass. Maisonneuve entrenched his men behind a temporary palisade and prepared to pass the winter. The next season a further contingent of settlers arrived from France led by M. Louis d'Ailleboust, a member of the Cent Associés, and the successor of Montmagny (1648) as governor of Canada. D'Ailleboust brought the welcome news of a gift of 20,000 livres for the erection of a hospital, the donor proving to be Madame de Bullion. The little settlement spent the season of 1643 in constructing the hospital, which they carefully protected by a palisade encircling the compound. Here Mademoiselle Mance established her headquarters, devoting herself to the care of the sick, French and Indian alike.

Fortunately during its first year the settlement escaped the notice of the Iroquois. But by the time the hospital was completed they were aware of its existence, and at once compassed its destruction. As long as the uncleared forest surrounded the settlement the Iroquois could approach unobserved and pick off the settlers who ventured beyond the stockade. In 1643 six of the garrison fell into the hands of these implacable foes, while the year following Maisonneuve led an unsuccessful sortie against one of their war parties lurking in the neighbourhood. It was not safe to venture beyond the confines of the fort.

The Compagnie de Ville-Marie entrusted the spiritual direction of their new settlement at first to the Jesuit Fathers. In 1656, Maisonneuve, fearing the Jesuits could not be spared for permanent residence on the island, applied to M. Olier, of the Seminary of Saint-Sulpice for priests. Four were sent out to Montreal, including the Abbé Queylus. Before sailing the Abbé Queylus received consecration as Grand-Vicaire in Canada at the hands of the Archbishop of Rouen. This dignity gave him precedence over the Superior of the Jesuits at Quebec, who till then had been the

recognized head of the clerical body in New France. The year after his arrival the Abbé Queylus founded the Montreal branch of the Seminary of Saint-Sulpice.

This far two of the original objects of the Compagnie de Ville-Marie had been accomplished: the founding of a hospital and a seminary. Provision for the instruction of girls came later. In 1653 Maisonneuve brought over from France Marguerite Bourgeois, the revered founder of the Congregation de Notre-Dame. From the very first this remarkable woman began in a quiet way the instruction of Indian girls, planning in the meantime a building for more ambitious ends. The site first chosen for this institution was that of the present Church of Notre-Dame de Bonsecours. Building was commenced in 1658, but the Abbé Queylus inhibited the work. Later, the action of M. Queylus being overruled by the authorities at home, a building was started on a different site (Notre-Dame and Saint-Jean Baptiste streets), from which has developed the present Congregation de Notre-Dame, sometimes called the Grey Nunnery. On the original site the piety of the townspeople erected the Church of Notre-Dame de Bonsecours, the first stone church to be built in Montreal. In 1663 the Compagnie de Ville-Marie dissolved itself in favour of the Seminary of Saint-Sulpice, which thereby acquired the seigniorial rights of the island. The population of the settlement then numbered a little less than six hundred, concentrated for the most part within a rectangular space bounded roughly by the present streets of Notre-Dame, Dalhousie, Craig, and McGill.

Quebec in the meantime grew from the same stimulus that assisted Montreal. Like Madame de Bullion, though in point of time preceding her, the Duchesse d'Aiguillon, niece of Cardinal Richelieu, endowed an Hôtel-Dieu with a fund of 22,000 livres. The endowment was made in 1637, within four years after the Cent Associés had taken possession of the city. The Jesuit Fathers undertook the erection of a temporary building to serve as a hospital. Two years later it was entrusted to the Hospitalières, three nuns of the order coming over in 1639. The original building has been replaced several times—in 1646, and again in 1658, with additions in 1672 and 1696. Few other institutional buildings in Canada are so replete with historical associations. Here are treasured the skull of Father Brébeuf and

relics of Father Lalemant, brought from their place of martyrdom in the Huron county. The archives in the library are invaluable. In the same ship that brought the Hospitalières in 1639 were Madame de la Peltrie, Mère Marie de l'Incarnation, and three nuns of the order of Saint Ursula. A building for the Ursulines was commenced in 1641 and completed the following year. In 1652 it was destroyed by fire, and again in 1686. The Ursuline nuns, under the direction of Mère Marie de l'Incarnation, devoted themselves to the education of French and Indian girls. Madame de la Peltrie, the secular head of the order in Quebec, associated herself with the Compagnie de Ville-Marie in 1642 on the occasion of Maisonneuve's wintering in Quebec before proceeding to Montreal. She accompanied Mademoiselle Jeanne Mance when Maisonneuve and his forty soldiers sailed from Quebec to inaugurate the new settlement. Filled with a love of adventure, she is said to have planned a visit to the Huron country, but Father Vimont discouraged such an undertaking. Eventually Madame de la Peltrie returned to Quebec and continued her support of the Ursulines.

The Recollet Fathers who were forced to leave Quebec in 1629, at the instance of Admiral Kirke, did not return when Canada again passed into French hands. The Jesuits alone came back, and until the arrival of the members of the Seminary of Saint-Sulpice in 1656 were the only clerical body in the colony. In 1670, when the rule of the Cent Associés had ceased, the Recollets again came to Quebec and recovered possession of their original property, the convent of Notre-Dame des Anges, and held it until 1692, when Monseigneur de Saint-Vallier, at that time bishop, purchased it as a site for a General Hospital. The latter institution was placed under the charge of the Hospitalières of the Hôtel-Dieu. It continues its public service to the present day. The Recollet Fathers in the meantime built a church and a convent in the upper town.

To the Jesuit Fathers since 1633, when the occupation under Kirke and Caën drew to an end, there fell not only the mission to the Indians, but also the spiritual care of the three towns of Quebec, Three Rivers, and Montreal. In addition to this they served as missionary priests for the settlers scattered around in the different seigniories that had already been cleared. Of these seigniories, which later became parishes, and their indebt-

edness to the ministrations of the missionary priests there is no better picture anywhere than that given by the Abbé Casgrain in *Une Paroisse Canadienne au XVIIe Siècle*. It was not till 1659 that episcopal authority began to be exercised in Quebec. In that year arrived Monseigneur de Laval, titular Bishop of Petraea, as Apostolic Vicar in Canada. Under him parochial organization, begun by the Abbé Queylus, was continued, and secular clergy relieved the missionary priests of parochial duties. In 1674 Canada became a diocese, with Quebec as the Cathedral town and Monseigneur de Laval as first bishop. The increase of population made this step necessary, for the number of settlers in the vicinity of Quebec had grown rapidly. The census of 1666, the first authoritative estimate made, gave the following figures:—

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|--|-----|
| Quebec. | 555 |
| Côte de Beaupré. | 678 |
| Beauport. | 172 |
| Ile d'Orléans | 471 |
| Côtes St. Jean, St. Francis and St. Michael. | 156 |
| Sillery | 217 |
| Notre-Dame des Anges. | 118 |
| Côte de Lauzon. | 6 |

Three Rivers, at the time, had a population of 461.

In the work of administration, the Cent Associés met with little success. With the death of Cardinal Richelieu in 1642, almost the last of the generation which had witnessed the founding of Quebec passed away. The next generation produced no successful colonial administrator. Not until the time of Colbert and Louis the Fourteenth, did Canada feel the influence of competent statesmanship.

The company profited by its monopoly of the fur trade as long as the Hurons continued to bring their furs to Montreal and Three Rivers. In 1645 the exports from Quebec amounted to 32,000 lbs. of skins, valued at ten francs a pound. In 1648, the season at Tadoussac yielded 224,000 skins. In 1649 the company's purchases fell to 16,000 lbs. The company never rallied from the loss sustained at the hands of Admiral Kirke in 1629, when four shiploads of supplies fell into English hands.

The growth of population, especially in the three towns of Quebec, Three Rivers, and Montreal, led to a movement which resulted in the demand for some form of recognized municipal government on the one hand, and on the other, a demand for greater freedom of trade. The former demand was met by the concession to the towns of the right to elect a syndic. A municipal court, the *Senéchaussé*, was instituted in both Quebec and Montreal. As for the grievances on the score of trade, in 1645 a deputation from the settlers went to France to protest against the restrictions imposed by the company. The company yielded to their representation to the extent of surrendering its exclusive privileges on condition that it be freed from part of its expense in keeping up the civil administration of the colony. A local Canadian company was thereupon organized, which contributed a quota to the salary of the governors at Quebec, Three Rivers, and Montreal. The local company was as little of a success, financially, as the company of the Cent Associés, but it is of interest to us as one of the first attempts to assert an independent colonial regulation of traffic.

In the time of Champlain and Montmagny the governor had exercised a single and undivided responsibility of administration. Champlain himself made ordinances for the colony. But about the same time that the concession of the right to elect syndics was granted to the towns, the governor's authority was supplemented by the creation of a council with deliberative functions. At first the council consisted of the governor, the Superior of the Jesuits, the governor of Montreal, the governor of Three Rivers, the governor of the fleet, and the three municipal syndics. The latter had, however, only a consultative voice. But in 1648 the three syndics were given the right to vote, and the membership of the council was increased by the addition of two of the inhabitants, to be chosen by the councillors, and also by adding the ex-governor, or, in his absence, a third inhabitant.

But the administrative system worked badly, and the king was constantly receiving complaints from one faction or another. Bishop Laval, labouring incessantly to prevent the sale of brandy to the Indians, was opposed by a faction of merchants and traders who resented any interference with the traffic. Against this sordid policy, which was supported by

the company, Monseigneur de Laval appealed to the king. For many years the sale of intoxicants was a controverted question which kept the relations between the ecclesiastical and civil authorities at Quebec severely strained.

But the worst complaints against the Cent Associés came not from the bishop, but from the colonists themselves, who lived in daily terror of the Iroquois. By a provision of 1648 the company was required to maintain a military force of a certain strength—twelve soldiers at Fort St. Louis, in Quebec; six at Montreal; six at Three Rivers, and a flying squadron of forty men for active field service. Against the Iroquois such a small force proved totally inadequate. The danger from this powerful confederacy had never ceased from the first days of the colony. With the establishment of the annual fair at Three Rivers they terrorized that post, despite the erection of a fort at the mouth of the Richelieu River (*Rivière des Iroquois*). Bands of them would lie in wait for the Hurons coming with their canoes laden with furs for the annual fair. With the founding of Montreal, their operations were extended. But in 1648 their animosity against the French and the Hurons came to a climax. In that year and the year following they fell upon and all but annihilated the Hurons in the mission stations around the Georgian Bay. It was in the course of this attack that Fathers Brébeuf and Lalemant suffered martyrdom. A few Huron survivors made their way to Quebec and lived under French protection. This tragedy came as a severe blow to the Jesuit Fathers, for by their efforts the Hurons had become, outwardly at least, a Christian nation. To the colonists it meant the cutting off of their chief source of supply for furs, while the negligence of the company in not defending its Indian allies made the insolence of the Iroquois insupportable. The habitants lived in daily fear for their lives; they were no longer safe from surprise in their fields, and, in consequence, agriculture languished. The heroism of Dollard and his sixteen companions at the Long Sault saved the colony from a well prepared attack in 1660. In that year the situation grew so desperate that a deputation went to France to plead for the intervention of the king. The result was that in 1663 Canada passed from the Cent Associés directly into the hands of the king, and became a province under royal government.

CHAPTER IV.

Louis XIV. takes over the government of Canada, 1663—The Governor, the Bishop, the Intendant—Administration—Small population—Character of the settlers—Carignan Regiment—Coureurs-de-bois—New grants of lands—Quebec, Montreal, Three Rivers—Country people in Canada—Seigniorial system.

Having taken over the government of Canada, Louis the Fourteenth proceeded to institute a system of administration adapted to colonial needs. The form which this administration took at the outset in 1663, endured with but very slight modification until 1760, that is, roughly speaking, about one hundred years. Under its working Canada gradually developed those forms, political, social, and ecclesiastical, which go to make up the old regime, and which constitute the permanent background of the Province of Quebec in its modern phase. The king conceived of Canada theoretically as a royal province; but in transplanting the organs of provincial administration across the Atlantic he allowed their customary functions to be adapted to the needs of their different environment. The difficulty of communication between Quebec and Versailles threw a responsibility of judgment upon colonial administrators which similar officials at home would hardly ever incur.

Particularly was this true of the office of governor and lieutenant-general. The governor and lieutenant-general, for the two were usually combined, exercised almost vice-regal powers. He was the king's direct representative so far as concerned the majesty of the state. Yet he was a governor who did not govern, although the responsibility for the colony rested upon his shoulders. In the sphere of civil administration executive functions devolved upon another officer. It would not be altogether incorrect to say that the office of governor was essentially a dignity without authority; a view which may partly explain the extreme susceptibility

which many of the governors showed in exacting the formal respect to which their position entitled them. But outside the sphere of internal administration the functions of the governor and lieutenant-general were varied and extensive. The tortuous question of relations with the Indians belonged peculiarly to him, and the failure of more than one governor, as well as the success of others, depended upon the settlement of this ever pressing difficulty. In addition to the Indian question, the exigencies of the eighteenth century, with its long-drawn-out wars for colonial supremacy, threw upon the governors at Quebec the responsibility of upholding and directing the interests of France in the struggle with England for dominion in North America.

Next to the governor came the bishop. As head of the Canadian church he owed his appointment to the king. Owing to the circumstances under which the province had been colonized—for a majority perhaps of the settlers before 1663 had been brought out by religious organizations, which selected them for their piety—the Church, as contrasted with the State, held the position of pre-eminence. The life of the early colonists was always closely in touch with Jesuits missionaries and other zealous churchmen, so that the Church exercised an authority born of attachment and devotion such as the State never acquired. As far as there could be a recognized headship of the Canadian people, that headship rested with the bishop rather than with the governor—another reason, perhaps, why successive governors exacted that formal respect which would the more willingly have been bestowed upon a representative of the Church.

Below the governor and the bishop came the intendant, an officer of comprehensive functions.* He was officially described as Intendant of Justice, Police, and Finance. In all that bore upon the civil administration of the colony, he had not only executive, but a wide scope of legislative authority as well. In addition to specific duties he was expected to watch the

*The intendants came to Quebec in the following order:—1665, Jean Talon; 1668, Claude de Bouteroue; 1675, Jacques Duchesneau; 1682, Jacques de Meulles; 1686, Jean Bochart de Champigny; 1702, François de Beauharnois; 1705, Jacques Raudot, père, et Raudot, fils; 1710, Claude Michel Bégon; 1725, Thomas Claude Dupuy; 1731, Giles Hocquart; 1748, François Bigot.

M. Robert, the first intendant to be appointed after Canada became a royal province, did not come to Quebec.

governor and to send over detailed criticisms of his conduct and his policy. So that, between the intendant on the one hand, and the bishop on the other, the office of governor was not altogether an enviable one. Had it not been for his direction of high questions of state, such as relations with the Indians and with the English colonies, the position would have had little attraction to offer.

Aside from their individual and original authority the governor, bishop, and intendant formed the nucleus of a judicial and deliberative body known as the Sovereign Council. By an edict of 1663 which established the council, and in which, strangely enough, there is no mention of an intendant, the governor and the bishop are empowered to select five councillors from among the inhabitants of the colony; the latter to serve from year to year according to the pleasure of the appointing officers. In 1675 the number of councillors was increased to seven, and their appointment vested directly with the king, as it was found that, between the governor and the bishop, the councillors did not observe a sufficiently non-partisan attitude. Most of the early councillors supported the bishop as against the governor, much to the king's displeasure, who did not care to see all the influence in the administration exercised by any one single official. In 1693 the number of councillors was still further increased to twelve, and the title of the council changed from Sovereign to Superior, though historically it is usually referred to under its older title. The deliberative body which had been organized in the time of the Cent Associés has passed into history as the ancien conseil.

Certain passages in the edict which created the council set forth its powers and duties succinctly enough to be quoted here.

"Donnons," it declares, "et attribuons le pouvoir de connaître de toutes causes civiles et criminelles, pour juger souverainement et en dernier ressort selon les lois et ordonnances de notre royaume, et y procéder autant qu'il se pourra en la forme et manière qui se pratique et se garde dans la ressort de notre cour de parlement de Paris, nous réservant néanmoins selon notre pouvoir souverain, de changer réformer et amplifier les dites lois et ordonnances, d'y déroger, de les abolir, d'en faire de nouvelles ou tels règlements,

ou statuts et constitutions que nous verront être plus utiles à notre service et au bien de nos sujets du dit pays.

“Voulons, entendons et nous plait, que dans le dit conseil il soit ordonné de la dépense des deniers publics, et disposé de la traite des pelleteries avec les sauvages, ensemble de tout les trafic que les habitants pourront faire avec les marchands de ce royaume; même qu’il soit réglé de toutes les affaires de police, publiques et particulières de tout le pays, au lieu, jour et heure qui seront désignés à cet effet; en outre donnons pouvoir au dit conseil de commettre à Québec, à Montréal aux Trois Rivières et en vous autres lieux au temps et en la manière qu’ils jugeront nécessaire, des personnes qui jugent en première instance, sans chicane et longueur de procédures, des différents procès, qui y pourront survenir entre les particuliers; de nommer tels greffiers notaires et tabellions, sergents, autres officiers de justice, qu’ils jugeront à propos, notre désir étant d’ôter autant qu’il se pourra toute chicane dans le dit pays de la Nouvelle France afin que prompt et brève justice y soit rendue.”

Obedience to the reglements of the council was enjoined in the following terms:—

“Mandons en outre à tous justiciers, officers, habitants du dit pays, passagers et autres de déférer et obéir aux arrêts qui seront rendus par notre dit conseil souverain sans difficulté.”

The following provision was made for a secretary:—

“Et d’autant que pour la conservation des minutes, des arrêts, jugements et autres actes ou expéditions du conseil, il sera besoin d’un greffier ou secrétaire, voulons semblablement qu’il soit commis telle personne qui sera avisé bon être, par les dits sieurs gouverneur, évêque, ou premier ecclésiastique qui y sera, pour faire la fonction de Greffier ou Secrétaire, laquelle sera pareillement changée ou continuée, selon qu’il sera estimé à propos par les dits sieurs susnommés.”

By the Arrêt of 1675 which increased the number of councillors from five to seven, the intendant was to rank as third in order of dignity in the council, but to serve at the same time as its presiding officer. In this capacity he performed the customary offices of chairman, convoking the meetings, putting questions, and passing judgments.

The records of the proceedings of the Sovereign Council form a most invaluable source for the study of the French regime. Almost every question which touched the social and economic life of the inhabitants came before the council or the intendant. The ordinances issued by the latter, and the judgments of the former reflect the system under which Canada was then developing. A selection of these public records was compiled in 1803 for official publication. They were re-issued in 1854 in three volumes under the title *Edits et Ordonnances*, and in this form constitute a part of the general law of the Province of Quebec. The three volumes comprise the edicts, patents, and commissions registered by the council; the *arrêts* issued by them, the judgments delivered, chiefly in civil actions involving seigniorial rights and obligations, and lastly the ordinances of the intendants.

Passing from central to local administration, we find institutions resting likewise upon French precedent. Social life conformed to the seigniorial system. In its completed form the system in Canada reproduced, with few exceptions, the law and custom of seigniorial tenure in France, as set forth in the *Coutume de Paris*. When the parish, as the unit of ecclesiastical government, came to be generally instituted, the seigneur and the curé together became the personal centre around which the daily life of the habitant revolved. To the seigneur belonged the right of *haute, moyenne et basse justice*; but, for reasons which need not be detailed here, they never undertook the adjudication of any but trivial cases such as could be settled by an off-hand judgment. The local courts of Montreal, Three Rivers, and Quebec, judged *en première instance*, as noted above, and as an appeal always lay from the seigneur to them, the seigneur was willing that cases should be begun before the royal court rather than before himself personally. The seigniority was a unit in the military organization of the province, the task of calling together the militia devolving upon a functionary known as the *capitaine de la milice*. This official developed into the recognized agent in the parish of the central authorities, and was entrusted with the publication of notices and the supervision of the royal *corvées*. As the seigniories increased in number they tended to group themselves about the three centres of Quebec, Three Rivers and Montreal. This fact determined the

division of the province, administratively, into three districts, named after their respective centres. While the governor and lieutenant-general resided in Quebec, subordinate governors had charge of the two districts of Montreal and Three Rivers. On many occasions in the eighteenth century the governor of Montreal succeeded the governor and lieutenant-general at Quebec on the death of the latter. The same district division applied, as noted above, to the judicial organization of the province, the three districts having royal courts (*the Prévôtés*) of equal jurisdiction, from which an appeal lay to the Sovereign Council. Quebec had in addition the *Maré-chaussé*, or Court of the Marshals, with special jurisdiction over "des gens sans aveu et vagabonds," and also a court of admiralty overseeing the regulations governing shipping. The basis of law administered was the Coutume de Paris, while the procedure was that prescribed in a special ordinance of 1667, modified to suit the conditions of litigation in the colony.

Of municipal organization there was practically none. Before 1663 Quebec, Montreal, and Three Rivers had each an elected syndic. It would seem that this office was continued after 1763, though permission to hold a meeting for the election of a syndic had first to be obtained from the intendant. The intendant, from time to time, authorized public meetings in the three towns in question for the discussion of such matters as the price of bread and other provisions, the regulation of prices for butchers, bakers, and carters, and other small municipal concerns. Subject to the supervision of the intendant, there was no lack of public discussion, though action in any case lay with the intendant himself. In Montreal, and also in Quebec, for the year 1717 there are to be found traces of a merchants' exchange, sanctioned by a special arrêt of the king, allowing merchants and traders to meet together for common discussion of trading conditions, and to elect a representative to confer with the intendant upon questions affecting the general interests of traffic. But in all that concerned municipal improvement we find that it was the intendant himself who tried to overcome the apathy of the citizens in regard to such things as the cleanliness and good order of the towns; and in particular, it may interest some modern readers to know that as far back as the seventeenth century an intendant at Quebec was urging upon Montreal the historic task of improving its streets.

Such, in brief outline, was the system of government and administration given to Canada in 1663, and which the colony retained throughout the old regime. Under its operation the colony developed a social and economic life of its own, and at the same time took part in the struggle with the neighbouring English colonies for the dominion of the continent. It is the narrative of this development and struggle which occupies the remainder of this sketch.

In the mind of Louis the Fourteenth the principal shortcoming of the Cent Associés, aside from their failure to provide military defence against the Iroquois, was their somewhat reckless granting of seigniories to persons unwilling or unable to clear and settle them. Thus, in an edict of 1663 the king is made to say:—

“Instead of finding that this country is settled as it ought to be after so long an occupation thereof by our subjects, we have learned with regret not only that the number of its inhabitants is very limited, but that even these are every day in danger of annihilation by the Iroquois. It being necessary to provide against this contingency, and considering that the company (the Cent Associés) is nearly extinct by the voluntary retirement of most of its old associates, and that the few remaining have not the means of maintaining the country and of sending thereto troops and settlers both to defend and inhabit the same, we have resolved to withdraw it from the hands of the said company . . . and have declared and ordered that all the rights of justice, property and seignior, rights to appoint to offices of governor and lieutenant-general in the said country, to name officers to administer sovereign justice, and all and every other rights granted by our most honoured predecessor and father by the edict of April 29, 1627, be and the same are hereby reunited to our Crown, to be hereafter exercised in our name by officers whom we shall appoint in this behalf.”

And further, “One of the principal reasons as a result of which the said country is not peopled as it should be and that so many dwellings have been destroyed by the Iroquois, is that large tracts of land have been granted to all the private individuals of the colony who have lacked the means of clearing them. The result has been that they are scattered about at considerable distances from one another, and are neither able to render

assistance to one another nor to be conveniently succoured by the garrisons at Quebec and other places in the event of an attack. Furthermore it appears that in a large part of the country only small patches of land near the dwellings of the grantees have been cleared; the rest is far beyond their ability to handle."

The intendant under the new administration was entrusted, among other things, with the duty of fostering an increase of immigration. Under Talon, the greatest of the intendants, sometimes called the "creator of Canada," steps of the most energetic kind were taken to give the province an adequate population. Talon reached Quebec in 1665 to find Canada with a population of barely 3,000 souls. By the year following it had gone up to 3,418; in 1667, to 4,312; in 1668, to 5,870, not counting enlisted soldiers on duty. Of this rapid increase (3,500 in three years), a small fraction came from the births in Canada itself, but the rest came in part from habitants and their families brought over from France, and in part from the soldiers of the Carignan-Salières regiment who became settlers after their discharge, and in part also from numbers of marriageable girls collected in Paris and sent out by the king as wives for the soldiers. In 1670 Talon brought over some four hundred persons, and three hundred soldiers who were expected to become settlers on their discharge; in fact, the population of the province was very sensibly increased by soldiers, from time to time, taking land when their period of enlistment was over. From 1670 the immigration for a few years averaged about five hundred; but by this time the number of births in the colony had reached nearly seven hundred yearly. After 1672 the practice of sending out marriageable girls ceased.

The census of 1673 gave, however, an enumeration of only 6,705 inhabitants; of 1675, only 7,832. By the year 1685 the figures did not go above 10,735. The following table shows the gradual increase to the close of the old regime:—

| | |
|-----------------------|------------------------|
| In the year 1722..... | 25,053 |
| 1739..... | 42,924 |
| 1750..... | 62,000 |
| 1755..... | 66,000 (approximately) |

Rameau estimates that the original basis of the population was an immigration from France which, in the course of one hundred and forty years, did not total over 10,000 souls. The distribution of these over the period in question may be seen in the following table:—

Before 1660, about 1,000

Between 1660 and 1672, about 3,700

Between 1672 and 1710, about 1,000

Between 1710 and 1756, about 4,000

The period between 1660 and 1672 was the period of Talon's activity. The falling off between 1672 and 1710, that is, between the departure of Talon and the end of the wars of Louis the Fourteenth, was due to the fact of the war, and the government's withdrawal of all state-aided immigration. After 1710 the figures represent a normal immigration, deprived of all artificial stimulus.

It scarcely needs to be pointed out that if Louis the Fourteenth had continued to further immigration during the second period as he had under Talon's administration, Quebec in 1760 might have had a population varying from 500,000 to 600,000 souls. In such a case the Seven Years War might have had a different ending. As it was, Canada could only oppose to the 2,000,000 inhabitants of the English colonies a scattered population of some 60,000, although France at the time had twice the population of the British Isles. More than one writer has suggested that if even a fraction of the money wasted upon the fortifications of Quebec had been used at an earlier date to aid immigration into Canada the native militia alone might have sufficed for the conflict with the English colonies.

It is hardly necessary to discuss here the character of the immigrants from which in the course of time sprang the French Canadian people. English and American authors have frequently indulged in cynical reflections upon the fact that the earliest "settlers" sent out to Canada were impressed from the common jails and prisons of the seaport towns of France. This, if it were true would mean nothing more than that the French Court in the sixteenth century tried to adopt the very means which were later followed by the English government to people certain parts of Australia and Cape

Colony. But, to be historically exact, none of the unfortunates sent over with Roberval or with de la Roche remained in Canada. The whole ground of the accusation is therefore swept away. The capture of Quebec by David Kirke in 1629 depleted the little settlement of all its French inhabitants save a very few. These we know to have been persons of unexceptionable character who in the first instance had been chosen by the Recollet Fathers for their industry and piety. No French Canadian traces the name of his family on Canadian soil beyond the few settlers who sojourned in Quebec during the first English occupation.

As for the families that came to Canada between 1633 and 1760, some three thousand and more, they represented the best element of their kind in France. On this point the opinion of Rameau may be quoted.

“La population n’a point eu pour origine, comme plusieurs ont pu le penser, quelques aventuriers, quelques, hommes de hasard, quelques individus déclassés et enrôlés par l’Etat. Ce fut l’immigration réelle d’un élément intégral de la nation française, paysans, soldats, bourgeois, et seigneurs; une colonie dans le sens romain du mot, qui a importé la patrie tout entière avec elle. Le fond de ce peuple, c’est un véritable démembrement de la souche de nos paysans français; leurs familles cherchées et groupées avec un soin particulier, ont transporté avec elles les mœurs, les habitudes, les locutions de leurs cantons paternels, au point d’étonner encore aujourd’hui le voyageur français; ce sont aussi des soldats licenciés s’établissant sur le sol, officers en tête sous la protection du drapeau; voilà les principes essentiels et originaires de la population canadienne.”

The localities which furnished the population were not necessarily confined to any particular section of France. The north-western provinces sent out, perhaps, the greater part of the emigrants, but a very large proportion came from the centre and south. Among the earliest to settle around Quebec before 1660 were a group from Saintonge, and a group from Normandy. About one hundred families came from a small district in Perche, and settled for the most part together in Beauport. As to their character, Rameau remarks:—

“D’autre part, comme ces familles ont toutes été des plus notables pour l’honnêteté de leur conduite, leurs habitudes sédentaires, rangées, agricoles,

tout porte à croire qu'elles sortaient des familles de paysans les plus respectables et les mieux établies de ces contrées. La plupart ont aussitôt créé au Canada une lignée nombreuse; le développement de leur race rapelle un peu celui des Acadiens et une importante portion de la population leur doit son origine dans le province de Québec."

Between 1660 and 1680 Poitou sent out a group of about 250 families which like those from Perche, formed a distinctive element in the population around Quebec. Aunis, Saintonge, Normandy, and the city of Paris likewise contributed to the immigration of this period. The officers and soldiers of the Carignan-Salières regiment were drawn indiscriminately from all parts of France. The quota from Paris consisted chiefly of the marriageable girls sent out as wives for the colonists. As noted above, the stream of immigration almost ceased between 1675 and 1710. From the latter date until 1760 it continued, slowly at first, but gradually increasing, until between 1740 and 1750 about two hundred families arrived annually. These came chiefly from Aunis, Saintonge, Brittany, and the city of Paris, Normandy, le Languedoc, la Provence, and Lyons. Of this last group, many went to swell the urban population of Quebec and Montreal as artisans, tradesmen, merchants, and tavern keepers.

It has often been affirmed that the Carignan troops left a great number of settlers in the colony, but that is not probable since we find only very few indications of new names about the time the regiment is supposed to have been disbanded in Canada. What is more likely is that the men liberated from military service turned *coureurs-de-bois*, and that they must have been about 400 in number. The class of men turned *coureurs-de-bois* was not known before 1668 or even 1670. Most of the settlers who went to the new seigniories on the south shore of the St. Lawrence or the Richelieu after 1670 came from the north shore of the St. Lawrence and were not discharged soldiers, as historians assert; at that time the Carignan men were going to the woods all around the great lakes. Soldiers are hardly fit to become settlers, but country people always make good soldiers. The Canadians born on the north shore of the St. Lawrence could easily become settlers on the south shore, and so they did, but the soldiers shunned the tiresome business of felling trees and clearing the soil—they sought another field.

Unfortunately for the numerical strength of the population, its numbers were constantly depleted, owing to a variety of causes. The more venturesome of the younger men broke loose from the influence of priest and seignior and roamed the forests to hunt, to traffic with the Indians, and not infrequently to adopt an Indian life. These *coureurs-de-bois*, as they were called, placed themselves for the most part beyond the pale of Church and State. The Intendant Duchesneau reported that in 1680, that is only a few years after the population of the colony had begun to increase perceptibly, as many as eight hundred men had forsaken the French habitations to become *coureurs-de-bois*. Allowing for some exaggeration, in numbers, the extent of the evil may be estimated from the fact that in 1680 Canada had only 2,000 families; the absence of the *coureurs-de-bois* deprived the province of some four hundred more. In the time of Duchesneau the evil was felt most keenly, especially as the king and the intendant were bent on fostering the growth of the population. Stringent regulations, even to the extent of capital punishment, were made to check this very natural tendency. By degrees, however, especially as population grew, the absence of the *coureurs-de-bois* became less conspicuous, and custom gradually came to sanction what had at first been accounted a crime. From Montreal scores of the younger men made their way to the westward, and formed, in fact, a not unimportant link between the merchants and traders of that city and the Indians of the west.

Another reason for the depletion of the population may be found in the fact that the paternal character of the old regime and the restrictions placed upon trade, drove many of the colonists across the frontier line to the English colonies. Here they enjoyed a much better opportunity to make their fortunes. But this source of loss was slight in comparison with the disastrous results of the wars and skirmishes with the Indians and the English colonists. Almost every season saw a heavy toll of lives sacrificed to the supreme need of defence.

As population gained in numbers both from immigration and from natural increase within the colony, the seigniorial system came gradually to spread itself over an extensive territory. It followed, for the most part, obviously for reasons of easy communication, the banks of the St. Lawrence

and of its tributaries. The seigniorial system served admirably to distribute population methodically. The Cent Associés had made in all about sixty grants of estates, but not more than half had been cleared and settled before 1663. Louis the Fourteenth, through the intendants, strove to make the seigniorial system an effective means of developing the province. On taking over the government of Canada he threatened to confiscate, and, in some cases, actually did confiscate grants which had not been cleared. Henceforth, with few exceptions, no grants were made except on the understanding that they were to be efficiently occupied.

The coming over of the Carignan-Salières regiment enabled Talon to take the first perceptible step forward in extending the system. The officers of the regiment were offered seigniorial grants, and the men for the most part accepted their officers as seigniors and settled down as habitants. For strategic reasons, in view of the hostility of the Iroquois, the grants to the officers of the regiment were made along the banks of the Richelieu, the natural approach of the Mohawks to the St. Lawrence valley. Many, though not all, of the newly created seigniories took their names from the seigniors, thus:—

Chambly from M. de Chambly.

Varennnes from M. de Varennnes.

Verchères from M. de Verchères.

Saint-Ours from M. de Saint-Ours.

Cap Saint-Michel from M. de Saint-Michel.

Saurel (Sorel) from M. de Saurel.

Contrecoeur from M. de Contrecoeur.

Lussaudière from M. de Lussaudière.

but

Tremblay to M. de Varennnes.

Bellevue to M. de Vitré.

Guillodière to M. Bournay de Grandmaison.

The seigniorie of Boucherville, which is included within the group lying in this locality, was granted to M. Boucher, the only seignior who had not been a commissioned officer.

On the other side of the St. Lawrence the seigniory of Berthier took its name from M. Berthier, also one of the officers of the regiment. The rest of the staff found concessions elsewhere.

In the district of Quebec where, it will be remembered, families had been settled since the time of Champlain, the native-born Canadians had already begun to overflow from their original seigniories into others newly created. Thus we find that children born in the côte de Beaupré migrate after the second generation to the new seigniories of Bellechasse and la Bouteillerie, while Fausembaut, Neuville, Lauzon, Demaure, Beaumont, and la Durantaye were largely peopled by a similar overflow from Quebec, île d'Orléans and Beauport. By 1680 the city of Quebec had become the centre of a group of twenty-two practically contiguous seigniories and villages. Of these, sixteen were on the northern side of the river and the remainder on the southern. They contained in all about 5,400 people, which represented a clear two-thirds of the entire population of the province. Between Quebec and Three Rivers on the northern bank of the river stretched the concessions of Sainte-Anne, Batiscan, Champlain, Hertel, Marsolet and Cap de la Madeleine. On the southern side between the Quebec and Richelieu group lay Villieu, Lotbinière, la Prade, Linctot, and Nicolet.

Montreal had become the centre of six other seigniories, ranged on both sides of the St. Lawrence: Autray, Valterie, Repentigny, Chesnaye, and Prairie de la Madeleine. By 1680 the district contained about 2,000 inhabitants.

Of the three districts, Quebec, though less fertile than Three Rivers or Montreal, became the centre of the most thickly settled area, and remained so till the close of the old regime. This was owing to its comparative safety from Iroquois raids. Consequently the largest number of seigniories is to be found in this region. But along the Richelieu, despite the Iroquois peril, seigniors pushed their settlements the whole length of the river. From Montreal too the line of advance had already reached a considerable distance up the Ottawa. These newer seigniories were mostly settled by a migration from the Quebec district.

The establishment of seigniorial grants, with their subdivisions into farms or holdings, followed a plan of allotment which gave the surface of

the country a somewhat regular appearance. All of the earliest grants were made along a river frontage, extending inwards from the water line. The subdivisions were rectangular plots, beginning at the water line and extending backwards for the depth of the seigniority. In consequence the river banks gradually assumed the appearance of a long straggling village street. This phenomenon was noticed by the Swedish traveller, Kalm, who visited Canada in 1749, and left an invaluable record of his impressions.

"All the farms in Canada," he writes, "stand separate from each other, so that each farmer has his possessions entirely distinct from those of his neighbour. Each church, it is true, has a little village near it; but that consists chiefly of the parsonage, a school for the boys and girls of the place, and of the houses of tradesmen, but rarely of farm-houses; and if that was the case, yet their fields were separated. The farm-houses hereabouts are generally built all along the rising banks of the river, either close to the water or at some distance from it, and about three or four arpents from each other. To some farms are annexed small orchards; but they are in general without them; however, almost every farmer has a kitchen-garden.

"The farm-houses are generally built of stone, but sometimes of timber, and have three or four rooms. The windows are seldom of glass, but most frequently of paper. They have iron stoves in one of the rooms, and chimneys in the rest. The roofs are covered with boards. The crevices and chinks are filled up with clay. The other buildings are covered with straw."

As a system of land tenure and social relationship, the seigniorial regime developed in Canada differed in many respects from its counterpart in France. To begin with, only a few of the Canadian seigniors belonged to the ranks of the noblesse. Talon, in 1675, after his retirement from Canada was created Comte d'Orsainville, having previously held the barony des Islets. In 1676 the île d'Orléans was erected into a countship and bestowed upon François Berthelot as Comte de Saint Laurent. In addition to these two dignities, one or two baronies were instituted; that of Cap Tourmente in favour of Guillaume de Caën, in the days before the Cent Associés, was revoked in 1640; that of Portneuf, 1681, was bestowed upon René Robineau; that of Longueil, the most interesting of all the Canadian baronies, 1668,

was erected for Charles Lemoine. In 1656 a *châtellenie* was conferred upon Louis d'Ailleboust—the *châtellenie* of Coulonge. Many of the seigniors, from time to time, were constituted members of the noblesse by letters patent of the king. The bestowal of this civil distinction went on despite the fact that many of the members of the noblesse were without means to support the dignity. The revenue from the average seigniorship was never very large, and frequently a seignior might be found poorer than some of the habitants on his estate. Nevertheless the seigniorial dignity carried with it a social prestige that had its attractions, and it commanded always the respect of the light-hearted, courteous habitant.

The obligation of the seignior to his superior varied with the conditions of his concession. A very few grants were made *en franc aleu noble* and *en franc aleu roturier*, which made them almost equivalent to allodial property. They were not, strictly speaking, part of the seigniorial system and they are of interest to us merely as legal curiosities. Many religious and philanthropic institutions received grants *en franche aumône*, which involved only the obligation of fealty and homage, in addition to rendering of the services for which they were specially instituted. The ordinary form of grant, which applied to nearly all estates in Canada, was *en fief* or *en Seigneurie*.

The obligations of the holder of a fief or seigniorship were quite specific. First of all came the rendering of the ceremony of fealty and homage, usually to the governor or to his representative in the Château St. Louis at Quebec. This done, he was required to furnish and place on record with the proper authorities the *aveu et dénombrement* of his grant, which consisted of a statement of its location, extent, property and subdivisions. Supposedly he was then under the obligation, within a reasonable time, provided the grant were new, to have it cleared and settled. By an Arrêt of 1711, and by subsequent provisions, this stipulation was definitely implied, and failure to discharge this duty, which really meant the making of subgrants to farmers or habitants, involved forfeiture. The only financial obligation involved in the relation between the seignior and his superiors was a mutation fee, known as the *quint*, due whenever the seigniorship changed hands by sale, or gift, or indirect inheritance. The value of the

quint was one-fifth of the consideration involved in the transfer, subject to the customary discount of one-third. The last obligation, though never exactly expressed in so many words, was implied in the very granting of a seignior, namely, the duty of the seignior to serve as an officer in the local militia.

The obligation of the seignior to clear his grant implied, as noted above, the necessity of making sub-grants. In a few cases the original seignior would bestow these *en arrière fief*, that is to say, by the creation of sub-seigniories. But practically all estates were parcelled out *en censive*, and the holders were technically known as *censitaires*, a term which Canadian custom turned into habitant. On his part, the habitant owed his seignior, first of all the annual dues known as the *cens et rentes*. Despite many opinions to the contrary, there was never at any period a definite or fixed rate for the *cens* applying to all Canada—a fact made clear by the scholarly work of Dr. W. B. Munro in his recent *Seigniorial System in Canada*. The *rentes* were frequently payable in kind, and both dues together, the *cens* and the *rentes*, were rendered yearly at a stated time.

The Abbé Casgrain in *Une Paroisse Canadienne au XVIIe Siècle* has given us a delightful picture of the occasion when the habitants came to pay their annual dues to the seignior. “Chaque automne,” he writes, “vers l’époque de la Saint-Martin, 11 Novembre, le seigneur faisait faire la criée a la porte de l’église pour avertir les censitaires de venir payer leur cens et rentes. On attendait ordinairement pour cela les premiers beaux chemins d’hiver. Le manoir devenait alors un centre d’activité, comme l’est encore aujourd’hui les presbytère du curé au temps de la rentrée des dîmes. Les habitants arrivaient soit en carrioles soit en traînes, emportant avec eux un ou deux chapons, quelques minots de grains ou d’autres effets; car, bien que les droits fussent exigibles en monnaie, le seigneur acceptait souvent des denrées en échange.

“(Le seigneur) assis dans son fauteuil, au fond de la grande salle du manoir, et ayant devant lui une table, recouverte d’un tapis, sur lequel était ouvert le censier, donnant audience à ses censitaires. Les anciennes redevances ne s’élevaient qu’à deux livres par arpent de front sur quarante-deux de profondeur; et à un sou de cens pour la même étendue, de sorte

qu'une propriété ordinaire de quatre arpents sur quarante-deux n'était grevée que de huit livres de vingt sous de rentes, plus quatre sous par année.

"On connaît la bienveillance qu'ont habituellement montrée les curés dans la perception de leur dîmes. C'était sur cet exemple que se modelaient les seigneurs. (Ils prenaient) occasion de la rentrée de ses rentes pour régler les différends qui surgissaient entre les familles. Bien souvent, pendant les beaux jours de l'été, assis à l'ombre d'un arbre (ils rappelaient), le chêne de Vincennes par la manière dont ils rendaient la justice à ses censitaires."

The seignior was likewise entitled to a mutation fee, known as the *lods et ventes*, which was fixed at one-twelfth of the price involved in a transfer of property, less the customary discount of one-third. In the earlier days of the seigniorial system the value of the *lods et ventes* was necessarily small; but the value rose with the increase in the market value of land, especially in the seigniories in the immediate vicinity of the towns. The value of the *cens et rentes* never fluctuated, except with the fluctuations of the paper money, or by express stipulation made with a new tenant.

Part of the seignior's income came from the toll of the mill, which by feudal custom his habitants were obliged to use exclusively. The monopoly of grinding corn was the only one, of many of a similar kind pertaining to the feudal system, which the Canadian seigniors exercised. Many indeed would have been glad to forego the right, for in the earlier days of the colony the erection of a mill involved a heavy outlay of expenditure. But, as a general thing, each seignior had its mill. The grinding of the grain was minutely regulated by the authorities, as the habitants frequently suffered at the hands of careless, incompetent, and dishonest millers. In his journey from Montreal to Quebec the Swedish traveller, Kalm, noted the presence at intervals of these seigniorial mills.

"We sometimes saw," he writes, "wind-mills near the farms. They were generally built of stone, with a roof of boards, which together with its flyers, could be turned to the wind occasionally."

Lastly, the seignior had the right to certain "exactions," chief among which was the *corvée*, or forced labour on the part of the habitant. Some-

times this labour was for the direct and personal advantage of the seignior, but more often it went to the common good of the seigniory, such as the making of roads, or the clearing of timber for pasture land. On many seigniories the amount of labour exacted did not exceed six days work a year. The question of seigniorial justice has been touched upon already.

Taken as a whole, the seigniorial system in Canada, while not ideally perfect from the point of view of the habitant, had in it none of the elements of harshness and oppression which we are inclined to associate with a feudal regime. The lot of the habitant was, in many cases, not an unpleasant one. The Abbé Casgrain, in the work already cited, has given us perhaps an idealized picture of the life of the typical habitant; but, certainly, he is much nearer the actual state of things than many authors who have denounced the system without giving it the necessary study for an impartial opinion. The conservative judgment of Dr. Munro on this point is worth quoting. It will be found to correspond closely to the opinion formed by Monseigneur de Saint-Vallier, which is referred to in another chapter of this sketch.

Dr. Munro says: "The burdens imposed upon the habitant by the seignior of the old system in Canada were far from onerous. To declare that they were 'more nominal than real' seems scarcely justifiable in view of the general poverty of the class upon which they were imposed; they certainly were not so regarded by the habitants themselves. Still, the Canadian habitant was, in this respect, much better off than his prototype, the French censitaire. In all cases his obligations were fixed with some degree of definiteness, and the method of exaction was never harsh or cruel. From the most odious incidents of the seigniorial system in France he was almost entirely free. He was protected, moreover, not only by the letter and the spirit of the law, but by the administrative jurisdiction of the intendant, to whom he might appeal with little expense and with reasonable hope of success whenever a seigniorial exaction, though legal, seemed unjust or contrary to public policy."

CHAPTER V.

State of the Church—Liquor traffic with the Indians—Quebec Seminary—
The tithe—The parishes—Rural piety—The Bishops of Quebec.

The seigniorial system was the form which Canadian society assumed in its social, economic, and administrative phases, so far as such phases applied to local, as distinct from general, conditions. But side by side with the governor and the intendant at Quebec, and the seignior in the local seignior, stood the bishop and the clergy, both regular and secular. It need hardly be pointed out that though there were moral disorders in the province which the Church strove to suppress, and which, consequently, made its rule and discipline irksome to the erring, the habitants as a class, and the majority of the French Canadians, were devotedly attached to the clergy.

In the very early days of the colony the services of the Church came to the settlers by the ministrations of the Recollet and Jesuit Fathers. With the exclusion of the Recollets, in 1632, after the occupation of Quebec by Kirke, the Jesuits alone had the spiritual direction of the colony. The Superior of the Jesuits was the ranking ecclesiastic, and his influence was certainly not less than that of the governor. In fact, the Jesuit Fathers understood the needs of the colony more intimately, and much more disinterestedly, than the governors. Canada at that time came within the metropolitan jurisdiction of the Archbishop of Rouen; a jurisdiction which, it appears, might not have been altogether valid had its claims been definitely challenged. The Archbishop of Rouen exercised his metropolitan authority in Canada through the person of a *grand-vicaire*. Until 1653 this office had been held by the Superior of the Jesuit Fathers. In 1653 the Sulpicians first came to Montreal, under the charge of the Abbé Queylus. Before leaving France the Abbé Queylus had been created *grand-vicaire* for Canada by the Archbishop of Rouen. Consequently, he took precedence

in Canada on his arrival over the Superior of the Jesuits. But the circumstances of the colony, particularly the growth of population, and the unfortunate beginning of the traffic in brandy with the Indians, made the presence of some higher ecclesiastical authority imperative. The question of erecting Canada into a diocese had been under consideration for some time, but before this was effected episcopal authority was exercised in Quebec by Monseigneur de Laval. Monseigneur de Laval came over in 1659 as Vicar-Apostolic, holding the titular dignity of Bishop of Petræa, *in partibus infidelium*. For the first fifteen years of his connection with Quebec, Monseigneur de Laval laboured under the difficulty of his nominal rank; for the title of Vicar-Apostolic did not enable him to speak with such unquestioned authority as he certainly needed, in view of the disorders which he deemed it essential to suppress. But it was not till October, 1674, that, by two separate bulls, Canada was erected into a bishopric and Monseigneur de Laval nominated as its first bishop.

The first document which he appears to have signed under his new title was, appropriately enough, a written response, dated March, 1675, to a deliberation of the doctors of the Sorbonne over the points at issue in the brandy controversy. It may be interesting to add, at this point, that one of the first public documents, if not actually the first, which Monseigneur de Laval signed after reaching Quebec to take up his duties at Vicar-Apostolic was a *mandement*, ordering a procession to the Church of the Jesuit Fathers in Quebec, in grateful recognition of their services, both to the city and to the colony. Its historical value, as showing from an ecclesiastical source the appreciation of the work of the Jesuit Fathers, makes its quotation, in part, not out of place.

MANDEMENT.

Pour Ordonner de faire trois processions à l'Eglise des Jésuites.

FRANCOIS DE LAVAL.

Par la grâce de Dieu et du Saint-Siège Apostolique, Evêque de Petrée, Vicaire Apostolique en toute l'étendue du Canada et pays adjacents. A tous ceux qui ces présentes lettres verront, Salut.

Après avoir reconnu et considéré les grands services rendus à Dieu par

les Pères de la Compagnie de Jésus en toutes ces contrées tant au regard de la conversion des sauvages que de la culture de la colonie française, et spécialement par le soin charitable qu'ils ont apporté en l'administration de la paroisse, tant pour le spirituel que pour le temporel, et ce l'espace d'environ trente ans, de laquelle administration nous les aurions déchargés lorsque nous sommes arrivé en ce pays, nous avons jugé juste et raisonnable qu'il y ait à jamais quelque marque de reconnaissance de la part de la dite paroisse de Québec, envers les dits Pères de la Compagnie de Jésus, et à cette fin nous avons ordonné que tous les ans, au premier jour de janvier que se célèbre la fête de la Circoncision ou du St. Nom de Jésus qui est le titre et patron de leur église de Québec, aussi bien que de leur Compagnie, on s'assemblerait à la paroisse à l'heure ordinaire de Vêpres, d'où le curé avec le clergé et peuple iront processionnellement à l'église des dits Pères pour y chanter les Vêpres qu'il aurait dû dire à la paroisse, et après le sermon et le salut, on retournera processionnellement en la dite paroisse.

“Nous avons de plus ordonne que le même sera fait le troisième décembre, fête de Saint François-Xavier, et le trente et unième de juillet, jour de la fête de leur glorieux patriarche St. Ignace, lorsqu'elle tomberait en un dimanche et que le peuple en serait averti le dimanche d'auparavant, et exhorté de contribuer le plus qu'il lui serait possible à cette reconnaissance, et voulons que la dite ordonnance soit insérée dans les registres de la paroisse et que copie en soit donnée aux PP. de la Compagnie de Jésus.

“Donné en notre demeure ordinaire de Québec, sous notre sceau et seing et de notre secrétaire le quinzième janvier mil six cent soixante.”

“FRANÇOIS, EVÊQUE DE PETRÉE.”

Part of the delay in the erection of Quebec into a diocese came from a prolonged discussion as to the immediate higher jurisdiction under which the new diocese should be placed. Louis the Fourteenth expected Quebec to continue as an integral part of the Gallican Church, under the control of a French metropolitan. Pope Clement, on the other hand, wished it to pertain immediately to the Holy See. Eventually the king yielded the point, retaining, however, the right of nomination, after having endowed the new bishopric with the estates of the two royal abbeys of Maubec and Lestrées.

The wisdom of this adjustment of the issue has never been questioned; and it has been of great moment to the Church in Canada; for the conquest of 1760 brought no interruption to the spiritual interests of the colony, whereas the confusion which would have arisen had Quebec been attached to Rouen may readily be conceived. The direct dependence of Quebec upon the Holy See has involved no breach in the course of a long attachment; and it has, at the same time, kept the Church in Canada free from the misfortunes which have befallen the Gallican Church since the days of 1789.

It was unfortunate that the policy which Monseigneur de Laval felt obliged to adopt on his first arrival in Quebec, brought him into direct conflict with the civil authorities, as represented by the governor, and later by the intendant also. The great evil which Monseigneur de Laval discovered in progress was the unrestricted sale of intoxicants to the Indians. The civil authorities, supporting in this case the financial interests of the merchants and traders, overlooked the evil, or even supported it on certain well-known pretexts. There could be no doubt that a savage debauched by liquor was less shrewd at bartering than a savage sober. But once the Indians had become confirmed in their thirst for spirits, it mattered very much to the merchants of Quebec and Montreal whether they could furnish the supply, or whether the Indians went instead to the Dutch and English merchants at Albany. It was argued that of the two evils, French brandy, sold in Montreal, could be considered less harmful than the rum sold at Albany under the English flag.

The real difficulty was that both nationalities used spirits unscrupulously as a bait to tempt the Indians to trade. The French feared the complete loss of their traffic, if they were to be deprived of the right to compete with their English rivals upon equal terms. If the fur trade had been diverted into English hands it would have meant the financial ruin of the colony; and it is easy to see that no governor cared to be charged with such a responsibility.

On the other hand, Bishop de Laval, scorning any sordid pretext of state, lifted the issue to a high moral ground, and made it a question of the Indian's welfare. If the English were utterly to ruin the savages with liquor, was that any argument that the French should be guilty of the same

evil? From a statesman's point of view, Monseigneur de Laval might have compromised by admitting the political and economic necessity of the traffic, and being content with its close regulation. But, from the start, the bishop refused to countenance half measures. He used all his influence with the king, and all his high ecclesiastical authority, to bring the traffic to a close. The second mandement which he issued as Vicar Apostolic was a notice that the penalty of excommunication should attach to those found participating in the evil. In 1661 the penalty of excommunication was imposed on a Quebec merchant for repeated violations of the bishop's injunction. Both documents will be found in the first volume of the *Mandements des Evêques de Québec*. Unfortunately, the bishop was not sustained in his position, either by the public feeling of the colony, the civil authorities at Quebec, or by the king at home. Drunkenness on the part of the Indians and on the part of the townspeople of the province, especially where the military were stationed, developed into an evil with which the Church could not cope successfully. Bishop de Saint-Vallier, in 1724, went to the extent of forbidding the parish curés to grant absolution to keepers of taverns (*cabaretiers*).

In Monseigneur de Laval's episcopate this regrettable controversy very much embittered the relations between the bishop and the governor, taking the form, ultimately, of somewhat unseemly quarrels over questions of precedence and the right observance of points of etiquette, as between the civil and the ecclesiastical head of the colony. The subject forms a chapter of Canadian history which any historian would gladly overlook.

Bishop de Laval's most enduring work was the establishment of the Seminary at Quebec. The scope which he conceived for this institution was never realized, inasmuch as his successor in the episcopate differed from the views of the founder as to the eventual organization of the diocese, and the relation of the Seminary to the discharge of parochial duties. The Seminary dates from a patent issued by Monseigneur de Laval on March 26th, 1663. After reciting the general advisability of establishing means for the instruction of the clergy, the document reads:—

“Considérant qu’il a plû à là Divine Providence nous charger de l’Eglise naissante du Canada dit la Nouvelle-France; et qu’il est d’une extrême importance dans ses commencements de donner au Clergé la meil-

leure forme qui se pourra perfectionner des ouvriers, et les rendre capables de cultiver cette nouvelle vigne de Seigneur, en vertu de l'autorité qui nous a été commise, nous avons érigé et érigeons dès à présent, et à perpétuité, un Séminaire pour servir de Clergé à cette nouvelle Eglise, qui sera conduit et gouverné par les supérieurs que nous ou les Successeurs Evêques de la Nouvelle-France y établiront, en suivant les règlements que nous dresserons à cet effet. . . .”

The relation of the Seminary to the parishes which Bishop de Laval desired, he states as follows:—

“Nous désirons que ce soit une continuelle Ecole de vertu et un lieu de réserve d'où nous puissions tirer des sujets pieux et capables pour les envoyer à toutes rencontres, et au besoin dans les paroisses, et tous autres lieux du dit Pays, afin d'y faire les fonctions curiales, et autres, auxquels ils auront été destinés, et les retirer des mêmes paroisses et fonctions quand on le jugera à propos, nous réservant pour toujours et aux successeurs Evêques du dit pays comme aussi au dit Séminaire par nos ordres, et des dits Sieurs Evêques, le pouvoir de révoquer tous les Ecclésiastiques qui seront départis et délégués dans les paroisses et autres lieux toutes foix et quantes qu'il sera jugé nécessaire, sans qu'aucun puisse être titulaire, et attaché particulièrement à une Paroisse, voulant au contraire qu'ils soient de plein droit amovibles, révocables et destituables à la volonté des Evêques et du Séminaire par leurs ordres. . . .”

The endowment of the Seminary Bishop de Laval ordained as follows:

“Et d'autant qu'il est absolument nécessaire de pourvoir le dit Séminaire et Clergé d'un revenu capable de soutenir les charges et dépenses qu'il sera obligé de faire, nous lui avons appliqué et appliquons, affecté et affectons des à présent et pour toujours toutes les Dixmes de quelque nature qu'elles soient, et en la manière qu'elles seront levées dans toutes les Paroisses et lieux du dit pays pour être possédées en commun et administrées par le dit Séminaire . . . a condition qu'il fournira la subsistance à tous les Ecclésiastiques qui seront délégués dans les paroisses et autres endroits du dit Pays, et qui seront toujours amovibles, et révocables au gré des dits Evêques et Séminaire par leurs ordres. . . .”

In both the latter provisions the views of the bishop were not in accord with the feeling of the colony as a whole, for eventually the establishment of curés was made permanent, and the tithes were made payable directly into the presbytery for the incumbent of the parish.

The tithe itself was originally fixed at one-thirteenth. In answer to the many complaints against this rate, on account of the general poverty of the habitants as a class, in 1660 it was "relaxed" to one-twentieth. The present rate dates from 1679, when the Sovereign Council established it at one-twenty-sixth. This rate has remained in force since then, the assessment being made on grain only.

Bishop de Laval completed the organization of his province by the erection of parishes to supersede the missions which had served till then. In general, the limits of a parish corresponded with the boundaries of a seignior; in some cases, however, seigniories were subdivided, in others grouped together. This grouping can be seen in the list compiled by the editors of the Mandements of the parishes erected by Monseigneur de Laval.

LISTE

Des Paroisses Erigées par Monseigneur de Laval.

1664 Québec (Immaculée Conception).

1678 { Ville-Marie (Bienheureuse Vierge).
 { Lachine (Saints-Anges).
 { Pointe-aux-Trembles (SS. Enfant Jésus).

{ Château-Riché (Visitation, B.V.M.).
 { Le Cap (SS. Anges-Gardiens).
 { Le Petit Cap (Sainte-Anne).

{ Ste. Foye.
 { Gauderville.
 { S. Michel (1 paroisse, sans titulaire).
 { Route S. Ignace.
 { Lorette.

{ Trois Rivières.
 { Nicolet. (1 paroisse, sans titulaire).
 { Godefroi.

{ La Magdeleine.
 { Villiers. (1 paroisse, sans titulaire).
 { Gentilly.

{ La Durantaie.
 { Berthier.
 { Cap St. Ignace.
 { L'île-aux-Oies.
 { La Bouteillerie. (1 paroisse, sans titulaire).
 { Saint-Denis.
 { La Combe.
 { Rivière du Loup.

1684

{ Champlain (Présentation B.V.M.).
 { Ile d'Orléans (Sainte Famille).
 { Beauport (Nativité B.V.M.).
 { Neuville (St. François de Sales).
 { Batisseau (St. François-Xavier).
 { Repentigny (Assomption B.V.M.).

As a rule, the money and the labour for the erection of the church buildings came from the seignior and the habitants. Bishop de Laval insisted from the outset on the use of none but stone churches, and refused consecration to others after 1669. A royal edict of that year made buildings of stone obligatory. Most of the parishes remained in the appointment of the bishop, though a few fell to lay patrons, in consideration of endowments.

Monseigneur de Laval supplemented the work of the Séminaire in 1668 by the establishment of a Petit Séminaire for the instruction of youths destined for clerical life. The Petit Séminaire opened October 9th, 1668, with eight young Canadian boys and eight young Hurons as its first

pupils. In addition to this, an industrial school at Saint-Joachim owed its origin to the bishop's interest. Although Monseigneur le Laval lived to be eighty-five years of age, passing away in 1708, he resigned all active episcopal work in 1684. As the organizer, and to some extent, the founder of the Church in Canada, he holds the foremost place in the minds of all the French Canadian people, and it is confidently expected that within a few years the Holy See will crown the memory of his life by canonization.

Monseigneur de Saint-Vallier, the successor of de Laval, first came to Canada in 1684 as Vicar-General. He was not consecrated bishop until 1688. In regard to certain features of the organization of the diocese, the new bishop differed from his predecessor. In particular, he reversed the former bishop's policy of constituting the Séminaire the beneficiary of the tithes of the province, and of avoiding the establishment of permanent curés in the parishes. In 1692 the parochial system of Canada went back to the system as it then was in France; in other words, incumbents of parishes were no longer to be transferable or removable at the pleasure of the bishop. Monseigneur de Laval's policy in this respect was a distinct departure from all French precedent. He himself justified it on the ground that it more nearly approached the customs of apostolic times.

Monseigneur de Saint-Vallier is remembered as the founder of the General Hospital in Quebec (1692), and of the convent of the Ursulines at Three Rivers (1697). His episcopate was marked by many personal mischances and misfortunes. Seventeen of its forty years were spent perforce out of Canada; five of them, indeed, as prisoner in England, the ship which was carrying him to Quebec in 1704 falling into the hands of the English, for the War of the Spanish Succession (Queen Anne's War) was then in progress. On more than one occasion the king tried to force him to surrender his diocese, but this he consistently declined to do.

Although an ecclesiastic of great piety and charity, he seems never to have been in full sympathy with conditions in the colony. At first, the crudeness and, in some respects, the degree of freedom and lack of restraint tolerated in pioneer life accorded ill with his sense of decorum, and some of the opinions which he formed of the townspeople of Quebec, especially in the early days of his residence, were not flattering. But a few years

showed him another side to the picture, for, in a long letter written about 1688, describing most minutely the condition of the Church establishments in Canada he pens the following eulogy:—

“Le peuple communément parlant, est aussi dévot que la Clergé m’a paru saint. On y remarque je ne sais quoi des dispositions qu’on admirait autrefois dans les Chrétiens des premiers siècles; la simplicité, la dévotion et la charité s’y montrent avec éclat, on aide avec plaisir ceux qui commencent à s’établir, chacun leur donne ou leur prête quelque chose, et tout le monde les console et les encourage dans leurs peines.

“Il y a quelque chose de surprenant dans les habitations qui sont les plus éloignées des Paroisses, et qui ont même été longtemps sans voir des pasteurs. Les Français s’y sont conservés dans la pratique du bien, et lorsque le Missionnaire qui a soin d’eux fait sa ronde pour aller administrer les Sacraments d’habitation en habitation, ils le reçoivent avec une joie qui ne se peut exprimer; ils font tous leurs dévotions, et on serait surpris si quelqu’un ne les faisait pas. . . Chaque maison est une petite Communauté bien réglée, où l’on fait la prière en commun soir et matin, où l’on récite le Chapelet, où l’on a la pratique des examens particuliers avant les repas, et où les pères et les mères de familles suppléent au défaut des Prêtres, en ce qui regarde la conduite de leurs enfants et de leurs valets.”

This picture of rural piety the bishop supplements by these remarks on the industry of the same people:—

“Tout le monde y est ennemi de l’oisiveté, on y travaille toujours à quelque chose; les particuliers ont eu assez d’industrie pour apprendre des métiers d’eux-mêmes; de sorte que sans avoir eu le secours d’aucun Maître, ils savent presque tout faire. Il est vrai qu’on n’est pas dans le même embarras dans les lieux qui sont plus proches de Québec, mais il y a encore beaucoup à souffrir partout, et la plupart portent avec une grande résignation les souffrances inséparables de leur état, dans un pays où peu de gens sont à leur aise.”

Some idea of the progress made in the erection of parishes during the episcopate of Monseigneur Saint-Vallier may be gathered from the large number of priests which he ordained; ninety in all. The following is a list

of parishes erected between 1692 and 1724, the compilation being that of the editors of the Mandements des Evêques de Québec:—

LISTE

Des Paroisses Erigées par Mgr. de Saint-Vallier.

- | | | |
|------|---|---|
| 1692 | { | Varennnes (Sainte-Anne). |
| | | Trois-Rivières (Immaculée Conception). |
| | | Boucherville (Sainte-Famille). |
| | | La Prairie de la Magdeleine. |
| 1693 | | Charlesbourg (Saint-Charles Bor). |
| 1694 | { | La Bouteillerie sur la riv. Ouëlle (Assompt. B.V.M.). |
| | | Pointe de Lévi (Saint-Joseph). |
| 1698 | | Notre-Dame de Foy (Visitation B.V.M.). |
| 1700 | | Cap Saint-Ignace. |
| | { | Cap-Santé (Sainte-Famille). |
| | | Saint-Jean d'Orléans. |
| | | Beaumont (Saint-Etienne). |
| | | Saint-Pierre d'Orléans. |
| | | Saint-Laurent d'Orléans. |
| 1714 | | Baie Saint-Paul. |
| | { | Kamouraska (Saint-Louis). |
| | | La Durantaye (Saint-Jacques et Saint-Philippe). |
| | | Saint-François du Lac. |
| | | Sainte-Anne de la Pérade. |
| | | Saint-François d'Orléans. |
| | | Pointe à la Caille (Saint-Thomas). |
| 1721 | { | Ile Jésus (Saint-François de Sales). |
| | | Beaupré (Saint-Joachim). |
| 1723 | | Terrebonne (Saint-Louis). |
| 1724 | | Lotbinière (Saint-Louis). |

A comparison of this list with that given above for Bishop de Laval will show the growth of population in certain districts. La Durantaye, for example, formed only part of a union parish in 1678; in 1714 it becomes an individual parish. The parish of la Bouteillerie sur la Rivière Ouelle, erected in 1694, is the one whose description has been so delightfully given by the Abbé Casgrain in his *Paroisse Canadienne*. The long break between the year 1700 and 1714 bespeaks the absence of Monseigneur de Saint-Vallier from Canada, during part of which he remained in England.

The organization of the diocese of Quebec was completed with Bishop de Saint-Vallier's episcopate. Succeeding bishops, before 1760, made no alterations but devoted themselves to the work of administration. In the order of succession, Mgr. de Mornay, who served as coadjutor to Bishop de Saint-Vallier from 1714, was given the appointment at the death of the latter. He continued, however, to reside in France, selecting Mgr. Dosquet (titular Bishop of Samos since 1725) to serve as his coadjutor in Quebec. Mgr. Dosquet was in residence from 1729 to 1732, when, being obliged to return to France, he pressed the king to insist upon Mgr. de Mornay's return to Canada. But Mgr. de Mornay, feeling his strength would not allow him to endure the hardships of the voyage, surrendered his diocese. He died in 1741. Mgr. Dosquet succeeded at Mgr. de Mornay's resignation in 1733, and proceeded to Quebec, returning, however, the following year. His absence obliged the candidates for holy orders to take the journey to France for consecration. At last, in 1739, Mgr. Dosquet withdrew in favour of Mgr. de Lauberivière, who was consecrated the same year. As Mgr. de Mornay officiated as consecrating bishop, attended by Mgr. Dosquet, the ceremony immediately after the consecration of Mgr. de Lauberivière presented the unusual spectacle of three bishops all holding a title from Quebec, being in the same chancel at the same time.

Mgr. de Lauberivière came to Quebec in 1740, but unfortunately died the same year. His successor was Mgr. de Pontbriand, who continued as bishop till the close of the French regime. Mgr. de Pontbriand retired to Charlesbourg while the siege of 1759 was in progress. In a letter written two months after the bombardment he pictured the fearful state of the city in language which conveyed the deep pathos of those trying days. The

letter will be found near the close of this sketch. Within a month after the Battle of the Plains of Abraham, the aged bishop withdrew to Montreal and still continued to issue *mandements* for Montreal and Three Rivers. Two months before the surrender of Canada to General Amherst, he died, stricken with grief at the wretchedness of the struggle.

Side by side with its parishes and its missions, the Church, directly through its clergy, supplemented by the work of its many orders, carried on extensively the educational system of the province. The educational system of the Province of Quebec is, indeed, one of the very oldest on the continent. Throughout the days of the old regime the Reverend Fathers of the Society of Jesus had their schools and colleges for the instruction of Canadian youths, while the seminaries at Quebec and Montreal offered a training for young men going into holy orders. Mgr. de Laval's patronage of the industrial school at St. Joachim showed that teaching was not altogether confined to the classical branches. For girls, the Ursulines at Quebec, and Three Rivers, and the Congregation de Notre-Dame in Montreal furnished elementary and finishing schools of the very highest order. The Swedish traveller, Kalm, writing of the instruction for girls by the Sœurs de Congregation, said: —

“The Sœurs de Congregation are a kind of religious women different from nuns. They do not live in a convent, but houses in the town and country. In many places in the country there are two or more of them; they have their house commonly near a church, and generally the parsonage house is on the other side of the church. Their business is to instruct young girls in the Christian religion, to teach them reading, writing, needlework, and other female accomplishments. People of fortune board their daughters with them for some time. They have their boarding, lodging, beds, instruction and whatever else they want upon very reasonable terms. The house where the whole community of these ladies live, and from whence they are sent out into the country, is at Montreal. A lady that wants to become incorporated among them must pay a considerable sum of money towards the common stock; and some people reckon it to be four thousand livres. If a person be once received she is sure of a subsistence during her life-time.”

Locally, within the parish, instruction was usually in the hands of the curé. In some of the parishes the curés admitted both girls and boys into the schoolroom, but this practice was expressly forbidden by Mgr. de Saint-Vallier, who further ordered that the instruction of girls should never be in the hands of any but women. Kalm speaks of finding a school-house among the group of buildings including the presbytery which went to make up the centre of almost every parish. Among the Mandements des Evêques de Québec will be found a letter enjoining all the curés to offer instruction in Latin to the children of their parishes, especially those who might be dedicated to the Church. It speaks well for the piety of the habitants that the parochial clergy were for the most part recruited from among the French Canadians proper, and not from priests sent over from France.

CHAPTER VI.

The fur trade—State of the currency—Highways—No manufactures—
Value of money—Descriptions of Montreal, Three Rivers, iron-work,
Quebec—Country people.

The administration under the old regime was seen on its weakest side in its blighting effect upon the economic life of the colony. Such, at least, is the verdict most generally given. The habitant lived upon a very primitive plane. His annual payments to the curé and to the seigneur were rendered chiefly in kind, and if he were industrious his farm might be made self-sufficing. Provided the harvests were good, or that he was not called out for active service in the militia at an inopportune moment, he was not likely actually to suffer. Moreover, he was not subject to any direct tax levied by the civil authorities.

But, in the case of men with capital invested in merchandise or devoted to trade, the situation appears to have been different. Individuals may have made small fortunes. There were in the colony, especially in Montreal, usurious capitalists who loaned the necessary outfit to *voyageurs* and *coureurs-de-bois*, demanding in return 33% on the advance. This evil was severely denounced and declared illicit by Monseigneur Saint-Vallier in an ordinance issued at Quebec in 1700; and confessors were enjoined to repress the practice. In the course of the ordinance Mgr. de Saint-Vallier declares:

“Nous condamnons comme illicite et usuraire le commerce des marchands qui équippent les voyageurs qui vont aux Ottawas ou ailleurs à la charge que ceux-ci leur paieront au retour en castor les marchandises qu'ils auront, sur le pied de 33 par cent., sans que les marchands veuillent risquer leurs effets qu'ils obligent les voyageurs à leur rembourser en castor quoiqu'il arrive, en sorte que s'ils ont prêté à ceux-ci mille écus en argent ou en marchandises, ils exigent qu'au retour de leur voyage les mêmes

voyageurs soient obligés de leur rendre mille écus en castor qui sont 4,000 livres ce qui fait environ trente quatre livres pour cent de profit.”

How little the government really approved of these voyageurs is stated in a brilliant paragraph by Parkman, in which he sums up much of the feeling and of the atmosphere of the whole fur trade.

“We now come to a trade far more important than all the rest together, one which absorbed the enterprise of the colony, drained the life-sap from other branches of commerce, and, even more than a vicious system of government, kept them in a state of chronic debility—the hardy, adventurous, lawless, fascinating fur trade. In the eighteenth century Canada exported a moderate quantity of timber, wheat, the herb called ginseng, and a few other commodities; but from first to last she lived chiefly on beaver skins. The government tried without ceasing to control and regulate the traffic; but it never succeeded. It aimed above all things to bring the trade home to the colonists, to prevent them from going to the Indians, and induce the Indians to come to them. To this end a great annual fair was established by order of the king at Montreal. Thither every summer a host of savages came down from the lakes in their bark canoes. A place was assigned them at a little distance from the town. They landed, drew up their canoes in a line on the bank, took out their packs of beaver-skins, set up their wigwams, slung their kettles, and encamped for the night. On the next day there was a grand council on the common, between St. Paul Street and the river. Speeches of compliment were made amid a solemn smoking of pipes. The governor-general was usually present seated in an arm-chair, while the visitors formed a ring about him, ranged in the order of their tribes. On the next day the trade began in the same place. Merchants of high and low degree brought up their goods from Quebec, and every inhabitant of Montreal of any substance, sought a share in the profit. Their booths were set along the palisades of the town, and each had an interpreter, to whom he usually promised a certain portion of his gains. The scene abounded in those contrasts—not always edifying, but always picturesque—which make the whole course of French Canadian history. Here was a throng of Indians armed with bows and arrows, war-clubs, or the cheap guns of the trade; some of them completely naked except for the feathers on their heads and

the paint on their faces; French bush-rangers tricked out with savage finery; merchants and habitants in their coarse and plain attire, and the grave priests of Saint-Sulpice robed in black. Order and sobriety were their watchwords, but the wild gathering was beyond their control. The prohibition to sell brandy could rarely be enforced; and the fair ended at times in a pandemonium of drunken frenzy."

The trade, as a whole, suffered from many causes. In the time of the Cent Associés the hostility of the Iroquois had made it almost impossible. To the Iroquois was later added the competition of the English and Dutch traders of Albany, who offered more for the skins than the French. It frequently required no little show of force, mingled with persuasion, on the part of the French governors to keep the traffic from passing into English hands. But the restrictions imposed by the government itself took the traffic out of the natural current of demand and supply, and restricted it within artificial lines to an arbitrarily regulated market. No trader, for example, could dispose of his furs by sending them to the New England colonies. To travel to Albany, even, without a permit involved capital punishment. To the Canadian trader the scope of the market was definitely limited, for, in the end, he could dispose of his beavers to one source only, and was forced to accept in return a compensation fixed by law. In some form or other, the yoke of monopoly rested on colonial trade from the very foundation of the colony. The termination of the Cent Associés in 1663 was followed by the creation, the next year, of the gigantic *Compagnie des Indes Occidentales*. This organization received the monopoly for forty years of all the trade within the limits of the Atlantic Ocean, including Africa and South America. Fortunately, although it held wide governmental powers over Canada, it resigned the greater part of them to the Crown. Yet it exploited the resources of the colony, and, by virtue of its monopoly, controlled all the import and export trade. In 1674 it became insolvent and surrendered its charter to the Crown.

A less formidable, though equally vicious, system was next installed. The Crown exacted an impost on skins exported from the colony, and farmed out this source of revenue. It was sold to one collector for 350,000 livres, on the understanding that he had the sole right of transporting the

skins to France; but, at the same time, he was required to accept all the skins which the traders brought to him. A continued glut in the market ruined several collectors, and reacted on the traders, who found their bills of exchange depreciated. To remedy this state of affairs a local Canadian company was organized in 1701, under the title of the Company of Canada. Every trader was obliged to join the association before being allowed to engage in the traffic. The failure of this led to another local company being formed in 1707, but the conditions of the market in France, where the demand for beavers had slackened, and the situation was abnormal, owing to the progress of the War of the Spanish Succession, left the trade as demoralized as ever. But the monopoly was continued in 1717 to the celebrated *Compagnie d'Occident*, promoted by the notorious John Law, of Mississippi Bubble fame. The era of wild speculation which followed after the Treaty of Utrecht, and which lasted into the third decade of the century, saw yet another monopoly. In 1719 Canada passed under the control of the *Compagnie des Indes*, which retained its hold till after 1760, being mentioned in the articles of capitulation.

It added to the financial distress of the colony that the currency was never in a satisfactory state. Exchange being always against Canada, the metallic currency sent out from France invariably found its way back. Various devices were resorted to for a medium of exchange. Wheat at one time passed at the rate of three bushels for four francs. Beaver skins served as a convenient medium, though their value was carefully regulated by the intendant. One schedule gave the following equivalents: One skin for two pounds of powder; six skins for a blanket; six skins also for a barrel of Indian corn. To supply the lack of metal, recourse was had to paper. By the year 1717 paper had depreciated twenty-five per cent., introducing confusion, particularly in the payment of the cens. It continued to decline as the French regime drew to a close. At the time of the conquest, in 1760, the province was flooded with inconvertible paper. This use of paper currency was noted by Kalm in a paragraph as follows:—

“They have in Canada scarce any other but paper-currency. I hardly ever saw any coin, except French sous, consisting of brass, with a very small mixture of silver; they were quite thin by constant circulation, and

were valued at a sou and a half. The bills were not printed but written. Their origin is as follows. The French king having found it very dangerous to send money for the pay of the troops, and other purposes, over to Canada, on account of privateers, shipwrecks, and other accidents, he ordered that instead of it the intendant, or king's steward, at Quebec, or the commissary at Montreal, is to write bills for the value of the sums which are due to the troops, and which he distributes to each soldier. On these bills is inscribed, that they bear the value of such a sum, till next October; and they are signed by the intendant, or the commissary; and in the interval they bear the value of money.

"In the month of October, at a certain stated time, every one brings the bills in his possession to the intendant at Quebec or the commissary at Montreal, who exchanges them for bills of exchange upon France, which are paid there in lawful money, at the king's exchequer, as soon as they are presented. If the money is not yet wanted, the bill may be kept till the next October, when it may be exchanged by one of those gentlemen for a bill upon France. The paper money can only be delivered in October, and exchanged for bills upon France. They are of different values, and some do not exceed a livre, and perhaps some are still less.

"Towards autumn when the merchant ships come in from France the merchants endeavour to get as many bills as they can, and change them for bills upon the French treasury. These bills are partly printed, spaces being left for the name, sum, etc. But the first bill, or paper currency, is all wrote, and is therefore subject to be counterfeited, which has sometimes been done, but the great punishments, which have been inflicted upon the authors of these forged bills, and which are generally capital, have deterred people from attempting it again; so that examples of this kind are very scarce at present. As there is a great want of small coins here, the buyers, or sellers, were frequently obliged to suffer a small loss, and could pay no intermediate prices between one livre and two."

Considering the state of transportation in Europe throughout the eighteenth century, it cannot be said that Canada was at all backward in this respect. In summer the waterways furnished a natural and almost unrivalled system of communication. Between Montreal and Quebec a line

of "yachts" plied regularly; in fact, one of the agreements entered into by the original *Compagnie de Ville-Marie* when it received its charter in 1640, was the maintenance of river connection between Montreal and Quebec. In 1722 a ferry service was started between Quebec and Point Levi. Eventually a system of mechanical propulsion by means of horse-power came into use, the "horse-boats," as they were called, being still employed some years after the use of steam on the St. Lawrence.

Under the intendant was an official known as the *Grand Voyer*, charged with duties corresponding to a modern commissioner of highways. Under his supervision the public roads of the province were first laid out. A few of them, especially those intended for communication between Montreal and the forts on the Richelieu, were built by military engineers. The country roads appear to have been very narrow, for the habitants drove their teams tandem. A network of roads connected Montreal and Quebec with their immediate suburbs; but the long connecting road between the two cities dates only from 1733. The first wheeled vehicle to go between Montreal and Quebec, was driven over this road in 1734. Before the road was constructed, however, a regular system of postal service between the two cities had been established. This source of revenue, like so many others, was placed in the hands of a monopoly, first bestowed in 1721.

Of anything like local industry, there were few traces to be found. Kalm noticed the lack of manufactures, and the complete dependence of the Canadians upon French productions. "There are as yet," he writes, "no manufactures established in Canada; probably because France will not lose the advantage of selling off its own goods here. However, both the inhabitants of Canada and the Indians, are very ill off for want of them, in times of war." Some attempts had been made at ship-building, for the forests supplied excellent lumber. In 1723 there were built two men-of-war and six merchant vessels. The intendant, Talon, endeavoured to foster a trade between Canada and the French West Indies, sending thither a cargo of Canadian products in 1667, in a vessel built in the colony. In 1686 three ships sailed from Quebec for the West Indies laden with Canadian flour. It is interesting to note that in 1689 Louis the Fourteenth sanctioned the

the importation of negroes into Canada to be used as slaves, but the climate rendered them unfit for work.

Some idea of wages current under the old regime may be gathered from a note in Kalm. "They commonly give," he observes, "one hundred and fifty livres a year to a faithful and diligent footman, and to a maid-servant of the same character one hundred livres. A journeyman to an artist gets three or four livres à day, and a common labouring man gets thirty or forty sous a day. The scarcity of labouring people occasions the wages to be so high; for almost everybody finds it easy to set up as a farmer in this uncultivated country, where he can live well, and at a small expense, that he does not care to serve and work for others."

For the general appearance of the colony, particularly of Montreal and Quebec during the old regime, much information is to be gained from the reports of travellers. For the seventeenth century Lahontan and La Potherie furnish descriptions, the latter more accurate, perhaps, but not so interesting as the former. The letters of Monseigneur de Saint-Vallier, already referred to, are invaluable for the light they throw on certain phases of Canadian society, and also upon the condition of many of the public buildings of the two rival cities. The latest general description comes from the pen of the Swedish scientist, Kalm, who visited Canada in the year 1749, the year that the news of the Treaty of Aix-la-Chapelle reached Quebec. In Montreal he was graciously received by the acting governor, Baron Longueuil, and he gives this very quaint picture of the people he saw.

"The town of Montreal is built on the eastern side of the island, and close to one of the most considerable branches of the river St. Lawrence; and thus it receives a very pleasant and advantageous situation. The town had a quadrangular form, or rather it is a rectangular parallelogram, the long and eastern side of which extends along the great branch of the river. On the other side it is surrounded with excellent corn-fields, charming meadows and delightful woods. It is pretty well fortified, and surrounded with a high and thick wall. On the east side it has the river St. Lawrence and on all the other sides a deep ditch filled with water, which secures the inhabitants against all dangers from the sudden incursions of the enemy's troops. However, it cannot stand a regular siege, because it requires a great

garrison, on account of its extent; and because it consists chiefly of wooden houses. . . . Some of the houses in the town are built of stone, but most of them are of timber, though very neatly built. Each of the better sort of houses has a door towards the street, with a seat on each side of it, for amusement and recreation in the morning and evening. The long streets are broad and straight, and divided at right angles by the short ones; some are paved, but most of them very uneven. The gates of the town are numerous; on the east side of the town towards the river are five; on the other side are likewise several.

“Every Friday is a market-day, when the country people come to the town with provisions, and those who want them must supply themselves on that day, because it is the only market-day in the whole week. On that day likewise a number of Indians come to town to sell their goods and to buy others.”

Of the people of Montreal some quaint observations will be found in this paragraph.

“The difference between the manners and customs of the French in Montreal and Canada, and those of the English in the American colonies, is as great as that between the manners of those two nations in Europe. The women in general are handsome here; they are well bred, and virtuous with an innocent and becoming freedom. They dress out very fine on Sundays; and though on the other days they do not take much pains with other parts of their dress, yet they are very fond of adorning their heads, the hair of which is always curled and powdered, and ornamented with glittering bodkins and aigrettes. Every day but Sunday they wear a little neat jacket and a short petticoat which hardly reaches half the leg, and in this particular they seem to imitate the Indian women. The heels of their shoes are high, and very narrow, and it is surprising how they walk on them.

“In their knowledge of economy they greatly surpass the English women in the plantations, who indeed have taken the liberty of throwing all the burthen of housekeeping upon their husbands, and sit in their chairs all day long with folded arms. The women in Canada, on the contrary, do not spare themselves, especially among the common people, where they are always in the fields, meadows, stables, etc., and do not dislike any work

whatsoever. However, they seem rather remiss in regard to the cleaning of the utensils and apartments; for sometimes the floors, both in the town and country, were hardly cleaned once in six months, which is a disagreeable sight to one who comes from amongst the Dutch and English, where the constant scouring and scrubbing of the floors is reckoned as important as the exercise of religion itself. To prevent the thick dust, which is thus left on the floor, from being noxious to the health, the women wet it several times a day, which renders it more consistent; repeating the aspersion as often as the dust is dry and rises again. Upon the whole, however, they are not averse to the taking a part in all the business of housekeeping; and I have with pleasure seen the daughters of the better sort of people, and of the governor himself, not too finely dressed, and going into the kitchens and cellars, to look that everything be done as it ought.

“The men are extremely civil, and take their hats off to every person indifferently whom they meet in the streets.”

Of the houses in the country, we find the following description: “The houses in the country are built promiscuously of stone or wood. To those of stone they do not employ brick, as there is not yet any considerable quantity of bricks made here. They therefore take what stones they can find in the neighbourhood, especially the black lime-slates. These are quite compact when broke, but shiver when exposed to the air; however, this is of little consequence, as the stones stick fast in the wall, and do not fall asunder. For want of it, they sometimes make their buildings of limestone, or sand-stone, and sometimes of grey rock-stone. The walls of such houses are commonly two foot thick, and seldom thinner. The greater part of the houses in the country are built of wood, and sometimes plastered over on the outside. The chinks in the walls are filled with clay, instead of moss. The houses are seldom above one story high. In every room is either a chimney or a stove, or both together. The stoves have the form of an oblong square; some are entirely of iron, about two feet and a half long, one foot and a half high, and near a foot and a half broad. These iron stoves are all cast at the iron-works at Trois Rivières.”

The iron-works in question, the only ones in Canada, Kalm includes in the description he gives of Three Rivers.

“Trois Rivières is a little market town, which had the appearance of a large village; it is however reckoned among the three great towns of Canada. . . . The town formerly flourished more than any other in Canada, for the Indians brought their goods to it from all sides; but since that time they go to Montreal and Quebec, and to the English, on account of their wars with the Iroquois or Five Nations, and for several other reasons, so that this town is at present very much reduced by it. Its present inhabitants live chiefly by agriculture, though the neighbouring iron-works may serve in some measure to support them.

“The iron-work, which is the only one in this country, lies three miles to the west of Trois Rivières. Here are two great forges, besides two lesser ones to each great one, and under the same roof with them. The smelting ovens stand close to the forges and are the same as ours. The ore is got two French miles and half from the iron-works, and is carried thither on sledges. It is a kind of moor ore, which lies in veins, within six inches or a foot from the surface of the ground. . . . The iron which is here made was to me described as soft, pliable, and tough, and is said to have the quality of not being attacked by rust so easily as other iron; and in this point there appears a great difference between the Spanish iron and this in ship-building. This iron-work was first founded in 1737 by private persons, who afterwards ceded it to the king; they cast cannon and mortars here, of different sizes, iron stoves which are in use all over Canada, kettles, etc., not to mention the iron bars which are made here.”

The management of the works seems so typical of the industrial conditions prevailing under the old regime that it is worth quoting here in full. Kalm observes: “Here are many officers and overseers, who have very good houses built on purpose for them. It is agreed on all hands that the revenues of the iron-work do not pay the expenses which the king must every year be at in maintaining it. They lay the fault on the bad state of the population, and say that the few inhabitants in the country have enough to do with agriculture and that it therefore costs great trouble and large sums to get a sufficient number of workmen. But however plausible this may appear, yet it is surprising that the king should be a loser in carrying on this work; for the ore is easily broken, is very near the iron-work, and very fusible.

The iron is good and can be very conveniently dispersed over the country. This is, moreover, the only iron-work in the country, from which everybody must supply himself with iron tools, and what other iron he wants. But the officers and servants belong to the iron-work appear to be in very affluent circumstances. A river runs down from the iron-work, into the river St. Lawrence, by which all the iron can be sent in boats throughout the country at a low rate."

In approaching Quebec the same writer noticed the great amount of land which had been cleared and settled in comparison with the forest country around Montreal and Three Rivers. This accords well with the relative distribution of the population among the three districts which has been discussed in a previous part of this sketch.

"Quebec," writes Kalm, "lies on the western shore of the river St. Lawrence, close to the water's edge, on a neck of land bounded by that river on the east side, and by the river St. Charles on the north side; the mountain on which the town is built rises still higher on the south side, and behind it begin great pastures; and the same mountain likewise extends a good way westward. The city is distinguished into the lower and the upper town. The lower lies on the river, eastward of the upper. The neck of land mentioned before, was formed by the dirt and filth which had from time to time been accumulated there, and by a rock which lay that way, not by any gradual diminution of the water. The upper city lies above the other, on a high hill, and takes up five or six times the space of the lower, though it is not quite so populous. The mountain on which the upper city is situated, reaches above the houses of the lower city. Notwithstanding the latter are three or four stories high, and the view, from the palace, of the lower city, is enough to cause a swimming of the head. There is only one easy way of getting to the upper city, and there part of the mountain has been blown up. This road is very steep, notwithstanding it is made winding and serpentine. However, they go up and down it in carriages and with waggons. All the other roads up the mountain are so steep, that it is very difficult to climb to the top of them. Most of the merchants live in the lower city, where the houses are built very close together. The streets in it are narrow, very rugged, and almost always wet. The upper city is inhabited by people

of quality, by several persons belonging to the different offices, by tradesmen and others. In this part are the chief buildings of the town."

Then follow descriptions of all the public buildings of the city from which list the governor's palace and the house of the intendant are selected.

"The palace is situated on the west or steepest side of the mountain, just above the lower city. It is not properly a palace, but a large building of stone, two stories high, extending north and south. On the west side of it is a court-yard, surrounded partly with a wall, and partly with houses. On the east side, or towards the river, is a gallery as long as the whole building, and about two fathoms broad, paved with smooth flags, and included on the outside with rails, from which the city and the river exhibit a charming prospect. This gallery serves as a very agreeable walk after dinner, and those who come to speak to the governor wait here till he is at leisure. The palace is the lodging of the governor of Canada, and a number of soldiers mount guard before it, both at the gates and in the court yard; and when the governor or the bishop comes in or goes out, they must all appear in arms and beat the drum.

"The Cathedral church is on the right hand, coming from the lower to the upper city, somewhat beyond the bishop's house. The people were at present (1749) employed in ornamenting it. On its west side is a round steeple, with two divisions, in the lower of which are some bells. The pulpit, and some other parts within the church, are gilt. The seats are very fine."

"The house of the intendant, a public building, whose size makes it fit for a palace. It is covered with tin, and stands in a second lower town, situated southward upon the river St. Charles. It has a large and fine garden on its north side. In this house all the deliberations concerning the province are held; and the gentlemen who have the management of the police and the civil power meet here, and the intendant generally presides. In affairs of great consequence the governor is likewise there."

The following reference to the shipping and trade of Quebec is of particular interest:—

"Quebec is the only sea-port and trading town in all Canada, and from

thence all the produce of the country is exported. The port is below the town to the river, which is there about a quarter of a French mile broad, twenty-five fathoms deep, and its ground is very good for anchoring. The ships are secured from all storms in this port; however, the north-east wind is the worst, because it can act more powerfully. When I arrived here, I reckoned thirteen great and small vessels, and they expected more to come in. But it is to be remarked, that no other ships than the French ones can come into the port, though they may come from any place in France, and likewise from the French possessions in the West Indies. All the foreign goods which are found in Montreal and other parts of Canada must be taken from hence. The French merchants from Montreal on their side, after making a six months' stay among several Indian nations, in order to purchase skins of beasts and furs, return about the end of August, and go down to Quebec in September or October in order to sell their goods there. The privilege of selling the imported goods, it is said, has vastly enriched the merchants of Quebec; but this is contradicted by others, who allow that there are a few in affluent circumstances, but that the generality possess no more than is absolutely necessary for their bare subsistence and that several are very much in debt which they say is owing to their luxury and vanity."

We conclude this topic by a short paragraph on the general civility of the inhabitants of Quebec of which Kalm makes special mention.

"The civility of the inhabitants here is more refined than that of the Dutch and English, in the settlements belonging to Great Britain; but the latter, on the other hand, do not idle their time away in dressing as the French do here. The ladies, especially, dress and powder their hair every day, and put their locks in papers every night; which idle custom was not introduced in the English settlements. The gentlemen wear generally their own hair, but some have wigs. People of rank are used to wear laced clothes and all the crown-officers wear swords. All the gentlemen, even those of rank, the governor excepted, when they go into town on a day that looks like rain, carry their cloaks on their left arm."

Mr. Kirby, in the story of the Chien d'Or, has given a circumstantial picture of Quebec as it may be imagined to have appeared in the closing

days of the French regime. Dr. Doughty and Dr. Dionne, in a recent work: *Quebec under Two Flags*, have quite taken away the historical foundations of Mr. Kirby's plot; and it is to be regretted, in view of the general interest in the characters of this romantic period that so popular a book should have been offered as accurate history. The book, however, is of particular interest to Canadians as being one of the first attempts to make use in fiction of a social background which lends itself so easily to the purpose of a novelist.

CHAPTER VII.

Canada and the English colonies—Military and commercial aspect of the situation—The Iroquois—Campaigns of 1666, 1684, 1687, 1690-1692, 1696-1697, 1702-1713, 1744-1760—Resources of Canada exhausted—Capitulations of Quebec (1759) and Montreal (1760).

The course of events which brought the old regime to its close, are, as has been stated, bound up with the vicissitudes of the political administration at Quebec. We have seen the *Cent Associés* before 1663, unable to defend the colony from the attacks of the Iroquois. When, in that year, Louis the Fourteenth came to the rescue of the colonists, their immediate safety became assured and conditions were made possible for the progress of the colony in the manner that has been described. But the danger of attack, from one source or another, never really ceased. Successive governors at Quebec found themselves responsible not only for colonial administration, but also for the conduct of a struggle, extending over vast stretches of territory, which was to decide the momentous question as to whether France or England should dominate North America. A very brief outline of this struggle, coming between 1663 and 1760, will complete the survey of our period.

The governor chosen by the king to inaugurate the Sovereign Council and the new system of royal administration was the *Sieur de Mesy*, a friend of *Bishop de Laval*. The two reached Quebec in September, 1663, having escaped the terrible earthquake of that year, which occupies such a conspicuous place in the annals of Montreal and Quebec. Both *de Laval* and *de Mesy* appear to have misconceived each other's position, and an open breach kept them at a distance till *de Mesy's* death early in 1665. The year before, September 8th, 1664, the Dutch colony of New Amsterdam which had been the near neighbour of Canada, passed into English hands. The significance of the change did not escape the governor at Quebec, nor

the traders and merchants of Montreal. New Amsterdam broke the connection between the New England colonies on the north shore and the other English colonies to the south. When New Amsterdam became New York, the English coast line was completed. A more plausible claim could now be laid to the lands lying in the valleys of the streams that fed the Mississippi from the east, and which lay along the direct line of expansion of the colonies from the coast inward. English influence replaced Dutch influence along the reaches of the Hudson. The relations between the Iroquois and the Dutch traders at Albany were now supplanted by a more ominous relation between the Iroquois and the English.

The Sieur de Mesy was replaced by the Sieur de Courcelles. In the same year the Marquis de Tracy came to Quebec to relieve de Courcelles of his duties as lieutenant-general, inasmuch as the king was planning a punitive expedition against the Iroquois and the new governor would be occupied with administrative work. The Marquis de Tracy came to take charge of the troops of the Carignan-Salières regiment, which the king had sent to Canada for the Iroquois expedition. The coming of the military relieved the fears of the colonists, but it sensibly troubled the clergy, who found in the soldiers a strain of worldliness which they would have preferred the society of Montreal and Quebec to escape. From 1665 to the closing years of the French regime, society in the colony was never without the presence of commissioned officers from the garrison troops regularly stationed in the towns and in the forts. The mandements of the bishops against dancing, the mardi gras, bals masques, and the performance of certain comedies were designed to suppress the licence which the military introduced.

The year of the arrival of the Carignan-Salières regiment, 1665, was spent in the construction of three forts along the Richelieu river. Early in the following year de Courcelles rashly attempted a winter march against the Mohawk villages. His men suffered severely from the effects of the winter march. Before the year was over de Tracy with a large force conducted another expedition to the Mohawk country, and so impressed the villagers that they sued for peace. From 1667 until 1684 the Mohawks remained comparatively quiet, but the Senecas, to the west, were beginning

to send their war-parties against the Illinios, among which French traders had already begun to follow in the footsteps of the explorers of the Mississippi.

The interval of peace with the Mohawks is occupied in part with the administration of Frontenac, who first came to Quebec in 1672. No governor of Canada ever acquired the respect of the Indians which Frontenac knew so well how to win and to retain. His stately, theatrical manner, with its assumption of patriarchal authority, carried immense weight in a council of Indian chiefs, and inspired confidence among the colonists; but it could not conceal the vices of a headstrong, tactless administrator. The king, in despair at the continued quarrel between the governor and the intendant (Duchesneau) recalled both in 1682, and sent out as intendant de Meulles, and as governor the Sieur de la Barre. Frontenac had taken one step forward in the extension of French influence to the west. De Courcelles had suggested the erection of a fort at Cataragui, the site of the present city of Kingston. Frontenac built it and allowed his name to be given to it. Fort Frontenac was designed partly as a subsidiary base for the posts which were carrying the French line of advance to the Upper Lakes, and partly as a convenient garrison to overawe the western Iroquois.

The new governor, de la Barre, made an ineffectual attempt in 1684 to chastise the Senecas for their attacks on the Illinois. But the expedition, designed to strike a signal blow against this section of the Iroquois confederacy, ended in disaster, and de la Barre had to agree to the humiliating Treaty of Famine Cove. He was recalled and replaced the following year by Denonville. In that year the relations with the Indians of the Upper Lakes were complicated by an attempt on the part of the governor of New York, Dongan, to open traffic with them, in competition with the French traders. In 1685, 1686, and again in 1687, Dongan sent Dutch and English traders, supported by a few troops to establish regular intercourse with these Indians. The traders and the soldiers were captured by the French garrison at Detroit, and sent to Canada as prisoners. Denonville, in the meantime, attempted to renew de la Barre's policy of chastizing the Senecas. In 1687 he led a large expedition to the Seneca country, using Fort Frontenac as a subsidiary base. Instead of bringing on

a general engagement, for the Senecas wisely forsook their villages, he had to be content with burning the stores and provisions of the enemy. As one of the Canadian Indians expressed it, Denonville had overturned a wasps' nest, but had not waited to kill the wasps.

In that same year Champigny, the intendant, perpetrated an unpardonable piece of villainy against some of the Iroquois. He invited them to a feast at Fort Frontenac, made prisoners of some thirty men and ninety women, and sent the men to France to be worked in the galleys. Of itself, this would have been sufficient cause for the renewal of a general war with the Iroquois; it was aggravated by the fact that soon after his punitive expedition against the Senecas Denonville built a fort at Niagara and left a garrison there. In a correspondence with Dongan before the close of the year we find Denonville promising to liberate the traders and soldiers captured in the region of the Upper Lakes. Dongan, on his part, demands that the Iroquois ensnared by Champigny and sent to France for the galleys be delivered to the English ambassador at Paris as English subjects. This correspondence continued throughout 1688, the governor of New York adding to his demands of the previous year a request that the French should withdraw from the new fort at Niagara. Denonville yielded; he wrote to the king to ask that the captives in the galleys be returned; and he destroyed the fort at Niagara and gave orders for the abandonment of Fort Frontenac. The Iroquois, emboldened by the support of English influence, and the weakness of Denonville's administration, assumed a tone of haughty defiance. The king rightly judged that French prestige in America was on the wane, and that vigorous measures were necessary to retrieve Denonville's mistakes. He appealed to Frontenac as the only person able to cope with the situation, and recommissioned him as governor of Canada in 1689.

Frontenac did not reach Quebec until October of that year. He was too late to avert a tragedy of the month before, a tragedy which is known in Canadian history as the Massacre of Lachine. Towards midnight on the fifth of August, under cover of a hail storm, 1,500 Iroquois braves landed near Lachine. Having surrounded some of the houses, they raised their war-whoop and began a scene of slaughter. Before the astonished inhabitants could collect themselves several had been killed, and many more

dragged away for torture. There were plenty of troops in the neighbourhood to have cut off the retreat of the savages, and thus to have saved many of the captives, but for some unaccountable reason they were forbidden to leave their station. The war party remained on the island for some time, though for how long it is impossible to say. By November they surprised la Chesnaye and repeated the scene of slaughter already enacted at Lachine. The information which we have for this whole episode is based upon a despatch sent home by Frontenac after he had returned to Canada. In this, referring to Lachine alone, he speaks of one hundred and twenty persons captured, and some two hundred, men, women, and children massacred in cold blood. These figures have been confidently accepted as the extent of the tragedy. But Judge Girouard, from a careful scrutiny of the parochial registers, finds that this estimate is probably exaggerated. He can discover no more than twenty-four persons missing from Lachine as a result of the massacre of August, and some forty-two as missing from la Chesnaye as a result of the blow which fell the next November. The total of lives lost in the Montreal district would therefore not be above sixty-six. It is not unlikely that the reports of the incident were purposely exaggerated to make an impression on the king.

The mission with which Frontenac was charged when he returned to Canada in 1689 had in view something more than the defence of the colony from the Iroquois. The wars waged by Louis the Fourteenth in Europe embraced America in their scope, and brought upon Canada the necessity of participating in the world-wide struggle. The accession of William the Third of Holland to the English throne in 1688, and the subsequent part played by England in the war with France, brought Canada into open hostility with the neighbouring English colonies. Frontenac reached Quebec, charged with the execution of a campaign against the English—a campaign which had been suggested to the king by Callières, the governor of Montreal. The plan had for its objective point the capture of New York; which, if accomplished, would serve the double purpose of overawing the Iroquois and at the same time of driving a wedge into the English coast line so as to separate the northern from the southern colonies, and thus enhance the French claims upon sections of the back country into which both nationali-

ties were beginning to press. The plan miscarried; for delay in fitting out the vessels destined for the naval attack on New York obliged Frontenac to abandon it. Frontenac, however, substituted another method of attack. His first step was to send off a detachment to Fort Frontenac to countermand Denonville's orders for the blowing up of the fortifications. The troops arrived too late, and Fort Frontenac was not restored for six years. But by a stroke of diplomacy the Iroquois were brought to conclude peace with the Indians of the Upper Lakes; the latter, relieved of the danger of attack, and supported by a detachment of French troops, made their way to Montreal the next summer with canoes of beavers and opened up again a traffic that had been nearly destroyed.

In the meantime active hostilities with the English colonies broke out. There were naturally two regions opened to attack. The first lay in the direction of Albany, and could be reached by the Richelieu and the Hudson. The second lay along the frontier line of the New England colonies. In February, 1690, a detachment of troops, including Canadian militia and Indians, made their way up the Richelieu, past Lakes Champlain and George to the Hudson. They surprised the settlement of Schenectady at night, and massacred the inhabitants. The lesson was not lost upon the Iroquois. In March, a second expedition sent to the New England frontier took Salmon Falls. A third, under Portneuf, captured Fort Loyal in May. So far the offensive campaign of the French had been successful.

On their part, the New England colonists adopted a comprehensive campaign. On May 11th, Port Royal surrendered to Sir William Phipps; and the same admiral, on August the 9th, left Boston with thirty-two ships and 2,200 men to try conclusions with Quebec itself. On October Phipps brought his fleet to anchor below the city, and two days later began a bombardment, after landing 1,200 troops on the Beauport shore. On the other side, auxiliary forces came to Quebec from Montreal, and a spirited defence of the city began. The bombardment failed of its purpose, and the land party could make no headway. After six days' futile bombardment Phipps took his ships down the stream for repairs, and abandoning any further attempt that season, made his retreat to Boston.

The next year, 1691, was signalized by the stealthy march of Peter

Schuyler from the Hudson to La Prairie, in reprisal for the incident at Schenectady the year before. Schuyler surprised and fell upon La Prairie, but his success was discounted by a heavy loss of men in a stubborn fight with a detachment of French who had cut off his retreat. As the war progressed, it resolved itself into a series of attacks upon the Iroquois, paralleled by excursions into northern New England. In 1692 a detachment sent out against the town of Wells failed to capture it; but two years later over a hundred persons in Oyster River lost their lives as a result of the successful attack of the French. Lastly Fort Pemaquid fell before a French attack, and Haverhill experienced the ravages of the Abenakis. But the Iroquois suffered equally. Many of the Mohawk towns were taken, and the captives taken as prisoners back to Canada. The most extraordinary incident in this devastating conflict was the heroic action of Madeleine, the fourteen year old daughter of the Sieur de Verchères, who in the fort with two soldiers, two boys and an old man kept up the semblance of defence in such a way as to deceive the Iroquois into thinking the fort well garrisoned. For a week the Iroquois withheld their assault, by which time help arrived. In 1696, Frontenac having restored the fort named after him, advanced with an overwhelming force on one of those chastizing expeditions against the western Iroquois which had marked the failure of his two predecessors. But Frontenac himself could do nothing to bring the Iroquois to an open engagement. Hostilities extended even to Newfoundland and to Hudson's Bay, where Iberville in 1697 captured Fort Nelson.

Within a few months of this exploit the Treaty of Ryswick brought a pause in the struggle, and the following year, 1698, Frontenac was able to receive a delegation from Albany bringing the news of peace, and proposals for the exchange of prisoners. Frontenac did not survive the year. He passed away on November 28th. His services to the colony place him above all other governors of the French regime. But for the spirit which he infused into Canada during the war, the colony, under the feeble administration of a de la Barre or Denonville, might have succumbed earlier in the struggle.

The war which closed by the Treaty of Ryswick passes in American colonial history as "King William's War." During the brief interval of peace ensuing, de Callières, who succeeded Frontenac, came to an under-

standing with the Iroquois, and so removed for the time being that source of danger. In 1702, England entered into the War of the Spanish Succession, known in American colonial history as "Queen Anne's War." Hostilities lasted until the year 1713. On the English side an expedition from Boston sailed in 1707 to capture Port Royal, for Acadia had been returned to France by the Treaty of Ryswick. Failing in 1707, the New England colonists made another attempt in 1710; this time with success. This parallel with the course of the previous war appears also in another attempt to send a fleet to the St. Lawrence to reduce Quebec. Admiral Walker left Boston in July, 1711; but through mismanagement lost ten ships and nearly 900 men in the St. Lawrence. Without trying to bring the rest of his fleet up the river, he abandoned the expedition and returned to Boston. A third parallel between the two wars may be found in the ruthless border warfare kept up between the French and the New England colonists. Deerfield, in Massachusetts, was attacked in 1704 by a party of two hundred and fifty Canadians and Indians. A still larger force ravaged the New England frontier in 1708. The Treaty of Utrecht, signed in 1713, gave Acadia to England, and brought peace for thirty years, that is until the breaking out of "King George's War" in 1744.

For Canada, this long period was quite uneventful, but it brought a much-needed era of quiet to both seignior and habitant. The levies of militia recruited from the different seigneuries were fast depleting the scant population; and many seigniors found themselves obliged to abandon the cultivation of their estates. During the period comprised roughly between 1685 and 1713 immigration had almost entirely ceased, the government being too much involved in the conduct of the war to furnish funds for settlers. With the close of the war, and the subsequent death of Louis the Fourteenth, France and England entered upon an era of peaceful relations. It was a period, as noted above, of wild speculation, chiefly on the as yet unmeasured wealth to be gained from colonial enterprise. English and French commercial interests, seconded by the political rivalries of their respective governments, added the excitement of wealth to the passion, already strongly developed, for maritime power. But while merchants and powerful corporations at home watched with some excitement the expan-

sion of the colonial market, the colonists themselves found their interests turning to a question which had in it all the occasion for future misunderstandings. The colonies of both countries were rapidly making their way to the westward, and it was only a question of time before the two lines of advance should cross each other and precipitate another conflict.

France in the meantime continued to strengthen her position. Louisbourg on Cape Breton Island was rendered, so it was thought, quite impregnable by a lavish expenditure of money for fortifications. To the west, M. de Vaudreuil, who succeeded de Callières in 1703, began the erection of stone fortifications at Niagara in 1725, but he died before they were completed. A permanent garrison was stationed at the fort. Under the Marquis de Beauharnois, the next governor, a fort at Crown Point was built in 1731. The centre of this long line of fortifications was to be found in Quebec, upon the defences of which, in the military judgment of the eighteenth century, the ultimate hope of retaining Canada rested. The king spent millions on the erection of walls and bastions, but the money seems to have found its way chiefly to the pockets of the contractors, who enriched themselves at the king's expense, while the works were so poorly built as to be of little use against actual attack.

The war which broke out in 1744, known as King George's War, lasted only four years. It was marked by the brilliant capture in 1745 of the almost impregnable fortress of Louisbourg, by a colonial force under Sir William Pepperell. An expedition sent out from La Rochelle by the French government the next year to attempt its recapture, suffered too severely from storms to be effective. A second expedition despatched the year following was met and defeated by an English fleet. By the Treaty of Aix-la-Chapelle which brought peace in 1748, Louisbourg was given back to France. The French government at once regarrisoned the fortress.

From this point we can begin to see the inevitable struggle of the Seven Years War approaching. The valley of the Ohio proved to be the region in which the rival pretensions of the two sides clashed. The Comte de Galissonière, who followed the Marquis de Beauharnois in 1747, adopted a forward policy. He had in view, it is said, the settling of some 10,000 habitants in the Ohio valley, a rather extravagant proposal when it is re-

membered that in all the years of the French occupation of Canada the total number of immigrants from the home country did not exceed that figure. Nevertheless, the Comte de la Galissonnière's suggestion shows that he appreciated the difficulty under which the French colonial system laboured when it came into competition with the English. Population is, after all, one of the very best assets, and it was in population that New France was conspicuously lacking. In 1749 the Comte de la Galissonnière despatched de Celoron from Montreal to establish a more formal claim to the region in question. De Celoron went through the formality of burying leaden plates at different points on the Ohio River and its tributaries.

The Sieur de la Jonquière succeeded de la Galissonnière in 1749, and was in turn followed by the Marquis du Quesne de Menneville in 1752. Next year the governor of Virginia sent an expedition to the Ohio valley to request the French to withdraw, on the ground of England's claim to the region. The French, however, remained. The year following, a detachment of English colonial troops began the construction of a fort on the site of Pittsburg. A French detachment took possession of the works, and completing the fort, named it after the governor, du Quesne. In two expeditions, 1754 and 1755, the English colonial forces, commanded in the latter year by General Braddock with English regulars, attempted the capture of Fort Duquesne, but without success. Rumours of approaching war in Europe made a general engagement seem imminent. As a precautionary measure the unfortunately problematical position of the Acadians, in regard to the question of allegiance, was settled by their forcible transportation to the English colonies. At last, in 1756, war broke out in Europe, and the engagement, already precipitated in the Ohio valley, became general.

The French position consisted of a long, irregular line of fortified posts. The line began at Louisbourg on the East, and travelled to Quebec; thence to the posts on the Richelieu and Lake Champlain; thence along the St. Lawrence to Montreal, and up the river to Fort Frontenac, at the eastern end of Lake Ontario on the north shore. From Fort Frontenac the next post was Niagara, at the other end of the lake, and Detroit at the further end of Lake Erie. From Niagara or Detroit a line ran southward to Fort Duquesne.

On the English side Oswego at the eastern end of Lake Ontario, on the south shore opposite Fort Frontenac, was occupied by English colonial troops, and threatened the French line between Fort Frontenac and Niagara. Between the Hudson and the Richelieu, Fort Edward and Fort William Henry gave the English a footing on this historic waterway, and threatened the line of advance upon Montreal.

Canada was at this time under the administration of the intendant Bigot and the governor, the Marquis de Vaudreuil Cavagnal, both men of ill-cherished memory. Bigot had come to Quebec at the close of King George's War; the Marquis de Vaudreuil had been promoted in 1755 to succeed the Marquis du Quesne. The French government sent over Montcalm, with de Levis, Bougainville and Bourlamaque to conduct the campaign. A census of Canada taken early in 1759 showed the total number of men capable of bearing arms to be about 15,000.

Soon after his arrival Montcalm assumed the offensive, and on August 14th captured Oswego, thus assuring the west wing of the French line of defence. The next year, striking from the centre he took Fort William Henry at the head of Lake George; and the following year held Ticonderoga, forcing General Abercromby to retreat. But these successes in the centre hardly compensated for losses in other directions. Within two weeks after Abercromby withdrew from Ticonderoga, Louisbourg had fallen, Fort Frontenac had been occupied by English colonial troops, and Fort Duquesne had been abandoned.

Then followed the decisive year 1759. In the west, the French line, weakened by the loss of Fort Frontenac and Fort Duquesne, gave way entirely with the surrender of Fort Niagara, and the recapture of Oswego. In the centre, General Amherst took Ticonderoga and Crown Point. But the decisive engagement came at Quebec when Major-General Wolfe, at the head of a landing party from the British fleet, executed a manœuvre which strategically had scarcely been considered possible. By landing under cover of night at Wolfe's Cove, and scaling the Heights of Abraham, he set at nought the careful strategic position of Montcalm on the Beauport side of the city, and eluded the corps under Bougainville which had been stationed further up the river to anticipate a landing in that vicinity. The Battle

of the Plains of Abraham was fought on the morning of September 13th, with Wolfe drawn up on a line just behind and parallel to the present de Salaberry street, between the Sillery and Ste. Foye roads, and Montcalm hurrying from the entrenchments on the other side of the city, anxious to bring on an engagement before Wolfe could complete his entrenchments. The details of this historic engagement, and the heroic death of Montcalm and Wolfe, are too well known to be repeated here. For four days after the battle the English under General Murray continued preparations for an assault, but de Ramezay, commandant of the troops within the city, acting under instructions from Vaudreuil, decided not to hazard the issue of an assault and capitulated on the 18th. General Murray occupied Quebec and took charge of its government.

With the breaking up of the winter next year, de Levis left Montreal to attempt the recapture of Quebec. Apprised of his advance, General Murray came out of the city to meet him. The engagement at Ste. Foye on April 28th obliged General Murray to retire behind the walls of the city, while de Levis advanced for a siege. The very timely arrival of an English fleet saved General Murray and forced de Levis to raise the siege. The rest of the campaign consisted of a concentration upon Montreal. General Murray from Quebec advanced in conjunction with General Amherst from Oswego. In all, some 15,000 troops marched upon the city. Finally, on the 8th of September, de Vaudreuil surrendered Canada to General Amherst, and the French regime came to its close.

Of the havoc wrought by five years of continued hostilities it is impossible to give any picture. Between the exactions of Bigot, the destruction of property, and the sacrifice of life, the suffering of the habitants was indescribable. The bombardment of Quebec wrought fearful destruction. The description written by Monseigneur de Pontbriand, two months after the event, shows in a feeling way the extent of the damage. Monseigneur de Pontbriand's letter will be found in the sketch of his life appended to the second volume of the *Mandements des Evêques de Quebec*.

"Quebec," he writes, "has been bombarded and cannonaded for the space of two months; one hundred and eighty houses have been fired by

grenades, the remainder shattered by cannon and bombs. The walls, of the thickness of six feet, have not been proof against this; cellars to which well-to-do people had consigned their effects had been burned, forced, and looted, both during and after the siege. The Cathedral has been entirely destroyed. In the Seminary the only habitable part remaining is the kitchen, to which the curé of Quebec has withdrawn in company with his vicar. The Seminary has suffered even greater losses outside the city, for the enemy has burned four of their farms and three considerable mills from which almost their entire revenue is derived. The church of the lower town has been completely demolished; those of the Recollets, the Jesuits and the Seminary are quite unfit for service without most extensive repairs. There is only the Ursuline Church where a decent service can be held, although the English are using it for special services. Both the Ursulines and the Hospitalières have suffered greatly. They are without means of subsistence, all their lands having been ravaged. Meanwhile, the nuns have managed to lodge themselves after a fashion, after having passed the entire time of the siege in the General Hospital. The Hôtel-Dieu is overcrowded, for the English sick are there. The episcopal palace is practically in ruins and does not afford a single habitable room; the cellars have been looted. The houses of the Recollets and the Jesuits are almost as bad; the English have made some slight repairs in order to quarter their troops there. They have billeted their soldiers in those houses which suffered least damage. They drive out from their own houses citizens who, at great expense, have temporarily repaired a room or two, or else so crowd them with the soldiers billeted upon them that nearly all have been obliged to leave this unhappy city. This they are by no means loth to do, for the English refuse to sell except for ready money, and it is well known that the local currency is paper. The priests of the Seminary, the canons and the Jesuits are scattered over what little country has escaped English domination. There are actually people in the city who are without wood for winter, without bread, flour, or meat, and subsisting solely upon a bit of biscuit and a scrap of pork which the English soldiers sell to them out of their rations. Such is the extremity to which our best families are reduced.”

This is followed by an even darker picture of the conditions outside the

city, all the adjacent country-side having been laid waste by the depredations of the English soldiery.

"No supplies are to be had from the country, which is in a more deplorable condition than the city itself. All of the côte de Beaupré and the île d'Orléans had been ravaged before the siege was even over. Farms, dwellings, presbyteries, have been put to the flames. Whatever live stock remained has been seized; those which had been driven into Quebec before the siege, have almost all been consumed by our own troops. In consequence, the poor habitant who returns to his land with his wife and children will be obliged to lodge like a savage. Their crops, only half harvested, will suffer from exposure; likewise their stock. The hiding-places which they had contrived in the forest have been discovered by the enemy, and so the habitant is without goods and chattels, without utensils, and implements for cultivating the soil and felling wood. . . . I affirm that this account of our misfortunes is no whit exaggerated, and I entreat our lord bishops and all charitable persons to exert themselves in our behalf. November the 5th, 1759."

Thus the venerable bishop addressed his countrymen before their ties with the colony in New France had been completely severed.

While the war was in progress the bishop and the clergy strengthened the patriotism of the habitants by public prayers and services in the churches. The Mandements des Evêques de Quebec contain numerous references to the ordering of these services. There is perhaps nothing more pathetic, and nothing which displays more clearly the significance of the year 1760, than the sequence of the mandements issued from time to time during the progress of the war. As the campaign opened with the aggressive policy of Montcalm we find a mandement, "Pour faire chanter dans toutes les paroisses un Te Deum en action de graces des succès des armes du roi arrivés depuis l'ouverture de la guerre." In the year following we find a similar order, "Qui ordonne de chanter un Te Deum en action de graces de la prise du Fort George." In 1759 we find a rather ominous circular letter, "A M. les Cures qui seront dans les quartiers où il est a craindre que l'ennemi ne pénètre." Later in the same year the bishop issued a mandement, "Au sujet de la triste situation de la colonie," enjoin-

ing two solemn services "dans les villes de Montreal et Trois-Rivières; la première pour M. de Montcalm et les officiers; le second, pour tous ceux qui sont morts dans la dernière campagne." Finally, as the year of capitulation drew on apace, we read in a mandement, "Pour la continuation des prières publiques" the suggestion "on ajoutera à la messe l'oraison Deus Refugium." The capitulation took place in September of that year. The full meaning of the new order of things could not be better shown than by quoting a passage from a mandement issued within a year of the surrender.

"Nous ordonnons et avons ordonné; que dans la paroisse de Montréal et dans toutes les autres du dit gouvernement, en la formule du prône, dans l'endroit où il est dit, nous prierons . . . pour le Roi, N, l'on substituera ces paroles, nous prierons pour notre très gracieux souverain Seigneur Roi George, notre très gracieuse Reine Charlotte, la princesse douairière de Galles et toute la famille royale."

These words form perhaps the most fitting ending to the narrative of our period.



WOLFE'S MONUMENT, QUEBEC.



MONUMENT TO WOLFE AND
MONTCALM, QUEBEC.



PARLIAMENT BUILDINGS.

CHAPTER VIII.

Capitulation of Quebec, 1759—Considerations upon that event—Nationalization of the battlefield—General Murray takes the command—The French administration transferred to Montreal—Death of Bishop Pontbriand—Capitulation of Montreal, 1760.

On the 13th of September, 1759, the English won the Battle of the Plains of Abraham, on the outskirts of the City of Quebec, in which both Wolfe and Montcalm met glorious deaths.

Montcalm, before expiring, addressed to Townshend, who had succeeded Wolfe, a letter, stating that it would soon be necessary to surrender the town to him, and asking that kindness be shown to the sick and wounded of the French army.

After the town had resisted for five more days, Commander de Ramezay, at the request of the citizens, agreed to surrender it to General Townshend and Admiral Saunders.

We shall see that some of the terms of the agreement signed on that occasion are of the greatest importance, as, like the terms of the surrender of Montreal, which occurred one year later, they form the basis of the transfer of New France to the power of Great Britain, and were accepted in the Treaty of Paris, which was concluded between the two nations in 1763. George III. considered Canada as having been acquired by capitulation—that is to say, by written agreement accepted by all parties—and not solely by the conquest of arms. As to Louis XV., he gave up the colony; but the surrender of what one does not possess is of little importance.

“Articles of capitulation demanded by Mr. de Ramezay,* the king’s lieutenant, commanding the high and low towns of Quebec, Knight of the Military Order of St. Louis, to his excellency the general of the troops of His Britannic Majesty.” Written in the margin: “The capitulation demanded

*A family settled in Canada since 1685.

on the part of the enemy, and granted by their Excellencies Admiral Saunders and General Townshend, etc., is in manner and form hereafter expressed."

I. Mr. de Ramezay demands the honours of war for his garrison, and that it shall be sent back to the army in safety, and by the shortest route, with arms, baggage, six pieces of brass cannon, two mortars or howitzers and twelve rounds for each piece. Answer: The garrison of the town, composed of land forces, marines and sailors, shall march out with their arms and baggage, drums beating, matches lighted, with two pieces of French cannon, and twelve rounds for each piece; and shall be embarked as conveniently as possible, to be sent to the first port in France.

II. That the inhabitants shall be preserved in the possession of their houses, goods, effects, and privileges. Answer: Granted, upon their laying down their arms.

III. That the inhabitants shall not be accountable for having carried arms in the defence of the town, for as much as they were compelled to it, and that the inhabitants of the colonies, of both crowns, equally serve as militia. Answer: Granted.

IV. That the effects of the absent officers and citizens shall not be touched. Answer: Granted.

V. That the inhabitants shall not be removed, nor obliged to quit their houses, until their condition shall be settled by their Britannic and most Christian Majesties. Answer: Granted.

VI. That the exercise of the Catholic Apostolic and Roman religion shall be maintained, and that safeguards shall be granted to the houses of the clergy, and to the monasteries, particularly to his Lordship the Bishop of Quebec, who, animated with zeal for religion, and charity for the people of his diocese, desires to reside in it constantly, to exercise, freely and with that decency which his character and the sacred offices of the Roman religion require, his episcopal authority in the town of Quebec, whenever he shall think proper, until the possession of Canada shall be decided by a treaty between their most Christian and Britannic Majesties. Answer: The free exercise of the Roman religion is granted, likewise safeguards to all religious persons, as well as to the Bishop, who shall be at liberty to come and

exercise, freely and with decency, the functions of his office, wherever he shall think proper, until the possession of Canada shall have been decided between the Britannic and most Christian Majesties.

VII. That the artillery and military stores shall be faithfully given up, and that an inventory of them shall be made out. Answer: Granted.

VIII. That the sick and wounded, the commissaries, chaplains, physicians, surgeons, apothecaries, and other people employed in the service of the hospitals, shall be treated conformably to the cartel of the 6th February, 1759, settled between their most Christian and Britannic Majesties. Answer: Granted.

IX. That before delivering up the gate and the entrance of the town to the English troops, their general will be pleased to send some soldiers to be posted as safeguards upon the churches, convents, and principal habitations. Answer: Granted.

X. That the king's lieutenant, commanding in Quebec, shall be permitted to send information to the Marquis of Vaudreuil, Governor General, of the reduction of the place, as also that the general may send advice thereof to the French ministry. Answer: Granted.

XI. That the present capitulation shall be executed according to its form and tenour, without being subject to non-execution under pretence of reprisals, or for the non-execution of any preceeding capitulation. Answer: Granted.

Duplicates hereof taken and executed by, and between us, at the camp before Quebec, this 18th day of September, 1759. (Signed) Charles Saunders, George Townshend, de Ramezay.

The articles II., III., V., concerning the Canadians, were punctually fulfilled. Article VI. formed the base of Article IV. of the Treaty of Paris (1763). With regard to Article II., as above given after the original document, it must be observed here that, according to the British practice and law, and that of all other civilized nations, when the inhabitants are allowed to remain in possession of their properties, it implies the conservation of the laws regulating such matter before the war—consequently the French statutes were kept in force.

After the capitulation of Quebec, General Monckton, upon whom the command devolved in succession to Wolfe, published a manifesto permitting the inhabitants to return to their farms on giving up their arms and taking the oath of fidelity. These conditions most of the people in the villages and districts tributary to Quebec complied with.

Writing to Pitt, October 8th, 1759, General Monckton explained that, owing to wounds received at the battle of the Plains of Abraham, the surgeons had urged him to go south for the winter. He had, therefore, appointed Brigadier Murray to act as governor, and Colonel Burton as lieutenant-governor until His Majesty's pleasure be known.

We are happy to quote here a few remarks made by His Excellency the Earl of Grey, Governor-General, in a recent speech: It was on the battlefields of Quebec that French and British parentage gave birth to the Canadian nation. To-day the inhabitants of the Dominion are neither English nor French. They stand before the world, not as English or French, but as Canadians. It is from the inspiring standpoint of Canadian nationality that the proposal to celebrate the 300th birthday of Canada, by the nationalization of the famous battlefields of Quebec, should win the enthusiastic support of every patriotic Canadian.

"If we regard the question sectionally, I would ask, where is the well-informed Briton to be found, no matter in what part of the Empire he may reside, who has not a personal interest in the ground where the corner-stone of Greater Britain was laid? I might say the same of every well-informed American. The first chapter of the history of the United States describes how the Plains of Abraham became the parchment on which in 1775 the Declaration of Independence was inscribed.

"If the battle of the Plains decided the fate of North America, it is equally certain that the battle of Ste. Foye won for the French-Canadians for all time the full and absolute right to the secured enjoyment of their language, their religion and their laws, under conditions such as do not exist in equal degree in any portion of the earth outside the Empire of the British Crown.

"The nationalization of the battlefields is thus a consecration of those principles which have enabled the British Crown to win the heartfelt

loyalty of all its subjects and which have made the British Empire the most potent force for the spread of freedom that the world has ever seen."

The following extracts from a paper written by the Honourable G. W. Ross, senator, strike the keynote of the spirit which animates the population of Canada on the occasion of the Quebec celebration, and are also valuable for the historical review embodied therein: "Articles of partnership were formally signed on the Plains of Abraham outside the City of Quebec on the 18th September, 1759, and went into immediate effect. . . It is a far cry from the treaty of capitulation which was made on the Plains of Abraham in 1759 to the present year of grace, 1908, but it is remarkable how the stipulations of that treaty have influenced the course of Canadian history. Ramezay's demand that the French garrison should be permitted to march out of the city which he so honourably surrendered was significant of the resolute manner in which the French race has ever since insisted upon fair recognition in the administration of the country. A race who, in the hour of their direst adversity, was able to snatch from the iron grasp of the conqueror the "honours of war" could not fail to be an important factor in the future history of any country. And then, whether we approve or disapprove of the religion they professed, a race who claimed as a condition of "laying down their arms" that they should be allowed the free exercise of their religious convictions is not a race likely to encourage anarchy or flout the authority of constitutional government. A race, too, that has preserved its individuality, its social habits and its language amid all the changes of the centuries, has a steady-
ing power, which in this democratic age of change and unrest, must prove of incalculable value in promoting the stability of government and suppressing the vapid agitator and the turbulent demagogue. To quote Sir Charles Dilke in his recent book on the British Empire: 'The French-Canadians are now, under the admirable institutions which in our late born wisdom we have conferred upon them, perhaps the most loyal of all peoples under the British Crown and they are so in spite of the fact that they have remained intensely French, proud of their race and its history and deeply attached to their tongue and its literature. . . The double allegiance of the French-Canadians of the present day on the one hand to the British Crown

and to the liberty which they enjoy under it, and on the other hand not to a foreign power which they regard as foreign, but to their own race and literature, is one of the most interesting spectacles which the world affords.

“With this race we have entered into a partnership by treaty and by Acts of Parliament. In the long years of that partnership there have been differences of opinion, accentuated more than once by mutual recriminations, but in spite of the lapses of human nature, and it may be of hereditary antipathies, Canada is to-day stronger in her national cohesion and more inevitably committed to pursue her own distinctive destiny, whatever it may be, than she would have been were it not for the partnership so happily formed one hundred and fifty years ago on the Plains of Abraham.

“And here let me submit two other considerations bearing upon the relations of the French occupation of Canada to the history of North America. First, if the French had not taken possession of Canada when they did and colonized the valley of the St. Lawrence, Canada would, no doubt, like other parts of North America, have been occupied by the British. Then would it not naturally follow that when the other British colonies revolted in 1776 that Canada as the fourteenth colony would have also joined them? By a similar process of reasoning, had not Canada become a British possession in 1759 it is more than probable when Napoleon Bonaparte sold his French possession in America to the United States in 1803 that Canada as part of these French possessions would have been bargained away. Are these two circumstances contingent parts of that ‘divinity which shapes our ends,’ or merely an hypothesis incapable of proof? At all events the logic of the situation leads to but one conclusion.

“Let us next consider the significance of the Plains of Abraham to America. Although it is generally assumed that the passing of the Stamp Act was the cause of the revolt of the thirteen colonies, a closer reading of history shows that the right of self-government conceded to them in their charters from the Crown was the secret spring of that spirit of independence which found expression at Philadelphia in 1774. The Stamp Act was but an excuse to assert their independence in the fullest sense, although they had in fact all the liberty up to that time which it was possible to obtain under any circumstances.

But so long as France was in control of Canada to the north and west they felt that to attempt a separation would be to place themselves between two fires. On the Atlantic side British troops could be easily landed, to which resistance would be futile. To the north and west they would be subject to the attack of the French, aided no doubt by the Canadians. But by the conquest of Canada, the position was materially changed. They argued that now (1776) in the event of a revolution, France, instead of aiding Great Britain, would be disposed to revenge the loss of Canada and could be depended upon openly or secretly, at least, for assistance.

“Is it possible that to General James Wolfe rather than to General George Washington the American Republic owes its origin, and is it possible that the victory which won for Great Britain her vast Canadian possessions occupying half a continent, lost to her the other half continent, and that the true shrine for the American is, not Independence Hall where the Declaration of Independence was signed, not Mount Vernon, where the remains of General Washington are entombed, but the heights behind Cape Diamond, beneath which the St. Lawrence flows in silent and majestic grandeur? This seems to be the judgment of the historians. If so, how significant to the whole world, as well as to America, was the event of September 18th, 1759!

“Then what about the significance of the contest on the Plains of Abraham to Great Britain. First, it revealed to her in a most conclusive manner, the advantage of naval supremacy. When Admiral Saunders, with 277 ships of the line and 60,000 soldiers, set sail for America for the conquest of Canada it was evident to the whole world that without the command of the sea no nation need aspire to universal sovereignty. Second, the taking of Quebec practically laid the foundation of her Colonial Empire. Except a slender foot-hold in India, the British possessions elsewhere were comparatively insignificant. Australia and New Zealand, although discovered, had no appreciable value except as a shelter from offended justice. She owned a few of the West Indies Islands and Prince Rupert's Land in North America, and seemed to be satisfied. But with the possession of Quebec the idea of a Colonial Empire fastened itself upon British statesmen, and from that date forward, whenever new territory could be

obtained or minor possessions enlarged, she pushed her conquests as well as her commerce, until now she occupies one-quarter of the habitable globe. Had she failed in the conquest of Canada who can tell what would have been the effect upon her aspirations and her territorial expansion.

“Third. It was vital for Great Britain that in the councils of Europe her prestige should be maintained. Prussia was asserting herself under Frederick the Great, Austria had undoubted influence as one of the greatest powers of Central Europe. Russia was emerging from the obscurity of centuries and Spain was still a force to be reckoned with. Outside the continent of Europe she had little to fear because of her power at sea, but to maintain her rank among her sister nations, she could not afford to be baffled either in diplomacy or in war. What were the many millions which Pitt spent in the conquest of Canada, compared to the prestige and the distinction which it conferred upon British statesmen, and the dread with which it invested her army and navy?

“And lastly, the acquisition of French Canada gave to Great Britain a frontal entrance to her western possessions in North America. What would the great North-West be worth to Canada to-day if a foreign country intervened between it and the Atlantic Ocean? Accessible directly only by Hudson Bay, it would be isolated from the world except for a few months each year. The great waterways reaching half across the continent would be under foreign control, and the prairies of the West would be as isolated as Central Africa. To acquire Canada was to connect the east and the west, and to lay the foundation for that Canadian Empire which so happily responds to the impulses of nationhood and is already so rich in promise and so commanding in its possibilities.

“And now, having endeavoured to interpret the significance of the events to which I have called your attention, let me ask you if it is not a fitting thing that we should rejoice in the memories they awaken and the national consequences to which they gave birth.”

On the surrender of Quebec, September 18th, 1759, the government moved to Montreal, where, about that date, Vaudreuil and Bigot were to have gone, as, during the afternoon of the 13th, they had left Beauport with the troops that had not been quartered in the City of Quebec.

At Montreal on the 28th of October, Mgr. de Pontbriand issued a mandate in which he ordered public prayers to invoke the mercy of heaven. On the following 17th of April, he renewed the mandate and added that he had faith in the movement inaugurated by Chevalier de Lévis, whom he eulogized in a few words. On the 28th of that month we know that Lévis defeated Murray at Ste. Foye, near Quebec, but that the arrival of the English fleet shortly after the battle prevented a re-capture of the city.

Knowing that his health was failing, and expecting death from day to day, on May 19th Mgr. Pontbriand addressed the clergy, outlining their conduct. On June 8th, M. Montgolfier, Grand Vicar of Montreal, issued a circular letter announcing Mgr. Pontbriand's death, which occurred on that day. On the 10th of July M. Perreault, Grand Vicar, signed a similar circular for the clergy of the district of Three Rivers. These examples do not appear to have been followed by M. Briand, who remained at Quebec.

From May to September the English fleet sailed slowly up the river, accepting the submission of the militia men who gave up their arms. These they classed as British subjects together with those already included in the surrender of Quebec.

General Amherst, with the principal invading army arrived at Lake Champlain, and Montreal was soon placed between two fires. Except for short periods there had been no interruption to the hostilities which were begun sixteen years previously.

On the morning of the 7th September, the Marquis de Vaudreuil sent two officers, of whom one was Bougainville, to the camp of General Amherst. The parley resulted in an armistice until noon. Amherst then received the draft of the conditions of surrender and, thereon added his reply which was not satisfactory to Vaudreuil and Levis, who asked for better terms on certain articles, and consequently the afternoon and night were spent in exchanging letters on the subject, but Amherst refused to make further concessions.

At the dawn of day Vaudreuil gave notice of acceptance by the following letter to Amherst:—

“MONTREAL, September 8th, 1760.

Dear Sir,—I have received from your Excellency, through M. Abercromby, the letter with which you favoured me. I have signed the articles of surrender and handed them to this major. You will kindly furnish me with a duplicate of same, signed by yourself. At the conclusion of the capitulation your Excellency will be able, as you will deem more advisable, to cause the taking possession of the posts and doors. That Colonel Haldimand is your choice is enough to make him agreeable to me. I cannot but be very sensitive to the courteousness which your Excellency extends to me. I have the honour to be, with the highest consideration of your Excellency, your very humble and obedient servant.—VAUDREUIL.”

“Whereas the interests of the colony do not allow us to refuse the terms proposed by the English general, which are advantageous to the country whose fate has been entrusted to me, I order the Chevalier de Levis to comply with the present surrender and to cause his troops to lay down their arms. Montreal, September 8th, 1760. (Signed) VAUDREUIL.”

Articles of capitulation between their Excellencies Major-General Amherst, Commander-in-Chief of His Britannic Majesty's troops and forces in North America, on the one part, and the Marquis de Vaudreuil, etc., Governor and Lieutenant-General of the King in Canada, on the other:—

I. Twenty-four hours after the signing of the present capitulation, the British general shall cause the troops of His Britannic Majesty to take possession of the gates of the town of Montreal; and the British garrison shall not enter the place till after the French troops shall have evacuated it. Answer: The whole garrison of Montreal must lay down their arms, and shall not serve during the present war.* Immediately after the signing of the present capitulation, the King's troops shall take possession of the gates, and shall post the guards necessary to preserve good order in the town.

II. The troops and the militia, who are in garrison in the town of Montreal, shall go out by the gate of Quebec,† with all the honours of war, six pieces of cannon and one mortar, which shall be put on board the vessel where the Marquis de Vaudreuil shall embark, with ten rounds for each

*The hostilities in Europe.

†North-east side of the town.

piece; and the same shall be granted to the garrison of Trois-Rivières. Answer: Referred to Article I.

III. The troops and militia who are in garrison in the Fort of Jacques Cartier and in the Island of St. Helen, and other forts, shall be treated in the same manner, and shall have the same honours; and these troops shall go to Montreal, or Trois-Rivières, or Quebec, to be there embarked for the first seaport in France, by the shortest way. The troops who are in our posts, situated on our frontier, on the side of Acadia, at Detroit, Michillimakinac, and other posts, shall enjoy the same honours and be treated in the same manner. Answer: All these troops are not to serve during the present war, and shall likewise lay down their arms; the rest is granted.

IV. The militia after evacuating the above towns, forts and posts, shall return to their habitations, without being molested on any pretence whatever, on account of their having carried arms. Answer: Granted.

V. The troops who keep the field shall raise their camp, drums beating, with their arms, baggage and artillery, to join the garrison of Montreal, and shall be treated in every respect the same. Answer: These troops, as well as the others, must lay down their arms.

VI. The subjects of His Britannic Majesty, and of his most Christian Majesty, soldiers, militia or seamen, who shall have deserted or left the service of their sovereign, and carried arms in North America, shall be, on both sides pardoned for their crime; they shall be respectively returned to their country; if not, each shall remain where he is without being sought after or molested. Answer: Refused.

VII. The magazines, the artillery, firelocks, sabres, ammunition of war, and in general everything that belongs to his most Christian Majesty, as well in the towns of Montreal and Trois-Rivières, as in the forts and posts mentioned in the third article, shall be delivered up, according to exact inventories, to the commissaries who shall be appointed to receive the same in the name of His Britannic Majesty. Duplicates of the said inventories shall be given to the Marquis de Vaudreuil. Answer: This is everything that can be asked on this article.

VIII. The officers, soldiers, militia, seamen and even the Indians de-

tained on account of their wounds or sickness, as well as in the hospitals as in private houses, shall enjoy the privilege of the cartel, and be treated accordingly. Answer: The sick and wounded shall be treated the same as our own people.

IX. The British general shall engage to send back to their own homes, the Indians and Moraigans (Mohicans) who make part of his armies, immediately after the signing of the present capitulation and, in the mean time, the better to prevent all disorders on the part of those who may not be gone away, the said general shall give safeguards to such persons as shall desire them, as well in the towns as in the country. Answer: The first part refused. There never have been any cruelties committed by the Indians of our army; and good order shall be preserved.

X. His Britannic Majesty's general shall be answerable for all disorders on the part of his troops, and shall oblige them to pay for all the damages they may do, as well in the towns as in the country. Answer: Answered by the preceding article.

XI. The British general shall not oblige the Marquis de Vaudreuil to leave the town of Montreal before . . . and no person shall be quartered in his house till he is gone. The Chevalier de Lévis, commander of the land forces and colonial troops, the engineers, officers of the artillery, and commissary of war, shall also remain at Montreal till the said day and shall keep their lodgings. The same shall be observed with regard to Mr. Bigot, intendant, the commissaries of marine and writers, whom the said Mr. Bigot shall have occasion for, and no person shall be lodged at the intendant's house before he shall take his departure. Answer: The Marquis de Vaudreuil, and all these gentlemen, shall be masters of their houses and shall embark when the King's ships shall be ready to sail for Europe; and all possible conveniences shall be granted them.

XII. The most convenient vessel that can be found shall be appointed to carry the Marquis de Vaudreuil, Mr. Bigot, the governor of Montreal, and the suite of this general, by the straightest passage to the first seaport of France; and every necessary accommodation shall be made for them. This vessel shall be properly victualled at the expense of his Britannic Majesty; and the Marquis de Vaudreuil shall take with him his papers,

without being examined and his equipages, plate, baggage, and also those of his retinue. Answer: Granted, except the archives which shall be necessary for the government of the country.

XIII. If before, or after, the embarkation of the Marquis de Vaudreuil, news of peace should arrive and that, by treaty, Canada should remain to his most Christian Majesty, the Marquis de Vaudreuil shall return to Quebec or Montreal; everything shall return to its former state under the dominion of his most Christian Majesty, and the present capitulation shall become null and of no effect. Answer: Whatever the King may have done, on this subject, shall be obeyed.

XIV. Two ships will be appointed to carry to France the Chevalier de Lévis, the principal officers and the staff of the land forces, the engineers, officers of artillery, and their domestics. These vessels shall likewise be victualled, and the necessary accommodation provided in them. The said officers shall take with them their papers, without being examined, and also their equipages and baggage. Such of the said officers as shall be married shall have liberty to take with them their wives and children, who shall also be victualled. Answer: Granted, except that the Marquis de Vaudreuil and all the officers, of whatever rank they may be, shall faithfully deliver to us all the charts and plans of the country.

XV. A vessel shall also be appointed for the passage of Mr. Bigot, the intendant, with his suite; in which vessel the proper accommodation shall be made for him and the persons he shall take with him. He shall likewise embark with him his papers, which shall not be examined; his equipages, plate, baggage and those of his suite. This vessel shall be victualled as before mentioned. Answer: Granted, with the same reserve as in the preceding article.

XVI. The British general shall also order the necessary and most convenient vessels to carry to France Mr. de Longueuil, Governor of Trois-Rivières, the staff of the colony and the commissary of marine; they shall embark therein their families, servants, baggage and equipages, and they shall be properly victualled during the passage, at the expense of his Britannic Majesty. Answer: Granted.

XVII. The officers and soldiers, as well as of the land forces as of the

colony, and also the marine officers and seamen who are in the colony, shall be likewise embarked for France, and sufficient and convenient vessels shall be appointed for them. The land and sea officers who shall be married, shall take with them their families, and all of them shall have liberty to embark their servants and baggage. As to the soldiers and seamen, those who are married shall take with them their wives and children, and all of them shall embark their haversacks and baggage; these vessels shall be properly and sufficiently victualled at the expense of his Britannic Majesty. Answer: Granted.

XVIII. The officers, soldiers and the followers of the troops, who shall have their baggage in the fields, may send for it before they depart, without any hindrance or molestation. Answer: Granted.

XIX. An hospital ship shall be provided by the British general for such of the wounded and sick officers, soldiers and seamen as shall be in condition to be carried to France, and shall likewise be victualled at the expense of his Britannic Majesty. It shall be the same with regard to the other wounded and sick officers, soldiers, or sailors, as soon as they shall be recovered. They shall have liberty to carry with them their wives, children, servants and baggage; and the said soldiers and sailors shall not be solicited nor forced to enter into the service of his Britannic Majesty. Answer: Granted.

XX. A commissary and one of the king's writers shall be left to take care of the hospitals and whatever may relate to the service of his most Christian Majesty. Answer: Granted.

XXI. The British general shall provide ships for carrying to France the officers of the supreme council (Conseil Supérieur) of justice, police, admiralty, and all other officers having commissions or brevets from his most Christian Majesty, for them, their families, servants and equipages, as well as for the other officers; and they shall likewise be victualled at the expense of his Britannic Majesty. They shall, however, be at liberty to stay in the colony if they think proper to settle their affairs, or to withdraw to France whenever they think fit. Answer: Granted, but if they have papers relating to the government of the country, they are to be delivered up to us.

XXII. If there are any military officers whose affairs should require their presence in the colony till the next year, they shall have liberty to stay in it, after having obtained the permission of the Marquis de Vaudreuil for that purpose, and without being reputed prisoners of war. Answer: All those whose private affairs shall require their stay in the country, and who shall have the Marquis de Vaudreuil's leave for so doing, shall be allowed to remain till their affairs are settled.

XXIII. The commissary for the king's provisions shall be at liberty to stay in Canada till next year, in order to be enabled to answer the debts he has contracted in the colony, on account of what he has furnished; but if he should prefer to go to France this year he shall be obliged to leave, till next year, a person to transact his business. This private person shall preserve, and have liberty to carry off, all his papers, without being inspected. His clerks shall have leave to stay in the colony or go to France; and in the last case, a passage and subsistence shall be allowed them on board the ships of his Britannic Majesty, for them, their families and their baggage. Answer: Granted.

XXIV. The provisions and other kind of stores which shall be found in the magazines of the commissary, as well in the towns of Montreal and of Trois-Rivières as in the country, shall be preserved to him, the said provisions belonging to him, and not to the King; and he shall be at liberty to sell them to the French and English. Answer: Everything that is actually in the magazines, destined for the use of the troops, is to be delivered to the British commissary for the King's forces.

XXV. A passage to France shall likewise be granted, on board of his Britannic Majesty's ships, as well as victuals, to such officers of the India company as shall be willing to go thither, and they shall take with them families, servants and baggage. The chief agent of the said company, in case he should choose to go to France, shall be allowed to leave such person as he shall think proper till next year, to settle the affairs of the said company and to recover such sums as are due to them. The said chief agent shall keep possession of all the papers belonging to the said company, and they shall not be liable to inspection. Answer: Granted.

XXVI. The said company shall be maintained in the property of the

ecarlatines * and beaver skins which they may have in the town of Montreal; they shall not be touched under any pretence whatever, and the necessary licenses shall be given to the chief agent to send this year his beaver skins to France, on board his Britannic Majesty's ships, paying the freight on the same footing as the British would pay it. Answer: Granted with regard to what may belong to the company, or to private persons; but if his most Christian Majesty has any share in it, that must become the property of the King.

XXVII. The free exercise of the Catholic, Apostolic and Roman religion shall subsist entire, in such manner that all the states and the people of the towns and countries, places and distant posts, shall continue to assemble in the churches and to frequent the sacraments as heretofore, without being molested in any manner, directly or indirectly. These people shall be obliged, by the English government, to pay their priests the tithes and all the taxes they were used to pay under the government of his most Christian Majesty. Answer: Granted as to the free exercise of their religion; the obligation of paying the tithes to the priests will depend on the King's pleasure.

XXVIII. The chapter, priests, curates and missionaries shall continue with an entire liberty, their exercises and functions of curés, in the parishes of the towns and countries.

XXIX. The grand vicars named by the chapter to administer to the diocese during the vacancy of the episcopal see shall have the liberty to dwell in the towns or country parishes, as they shall think proper. They shall at all times be free to visit the different parishes of the diocese with the ordinary ceremonies and exercise all the jurisdiction they exercised under the French domination. They shall enjoy the same rights in case of the death of the future bishop, of which mention will be made in the following article. Answer: Granted, except what regards the following article.

XXX. If by the treaty of peace Canada should remain in the power of his Britannic Majesty, his most Christian Majesty shall continue to name

*Red cloth of bright colour used in the trade with the Indians.

the bishop of the colony who shall always be of the Roman communion, and under whose authority the people shall exercise the Roman religion. Answer: Refused.

XXXI. The bishop shall, in case of need, establish new parishes and provide for the rebuilding of his cathedral and his episcopal palace; and in the meantime he shall have the liberty to dwell in the towns or parishes, as he shall judge proper. He shall be at liberty to visit his diocese with the ordinary ceremonies and exercise all the jurisdiction which his predecessor exercised under the French domination, save that an oath of fidelity, or a promise to do nothing contrary to his Britannic Majesty's service, may be required of him. Answer: This article is comprised under the foregoing.

XXXII. The communities of nuns shall be preserved in their constitutions and privileges; they shall continue to observe their rules; they shall be exempted from lodging any military; and it shall be forbid to molest them in their religious exercises, or to enter their monasteries; safeguards shall even be given them, if they desire them. Answer: Granted.

XXXIII. The preceding article shall likewise be executed with regard to the communities of Jesuits and Recollets and of the house of the priests of St. Sulpice at Montreal. These last, and the Jesuits, shall preserve their right to nominate to certain curacies and missions, as heretofore. Answer: Refused till the King's pleasure be known.

XXXIV. All the communities and all the priests shall preserve their movables, the property and revenues of the seignories and other estates which they possess in the colony, of rights, honours and exemptions. Answer: Granted.

XXXV. If the canons, priests, missionaries, the priests of the seminary of foreign missions, and of St. Sulpice, as well as the Jesuits and the Recollets, choose to go to France, a passage shall be granted to them in his Britannic Majesty's ships, and they shall have leave to sell, in whole or in part, the estates and movables which they possess in the colony, either to the French or to the English, without the least hindrance or obstacle from the British government. They may take with them, or send to France, the produce of what nature soever it be, of the said goods sold, paying the

freight as mentioned in article XXVI. And such of the said priests who choose to go this year shall be victualled, during the passage, at the expense of his Britannic Majesty, and they shall take with them their baggage. Answer: They shall be masters to dispose of their estates and to send the produce thereof, as well as their persons, and all that belongs to them, to France.

XXXVI. If by the treaty of peace Canada remains to his Britannic Majesty, all the French,* Canadians, Acadians, merchants and other persons who choose to retire to France, shall have leave to do so from the British general, who shall procure them a passage; and, nevertheless, if, from this time to that decision, any French or Canadian merchants, or other persons, shall desire to go to France, they shall likewise have leave from the British general. Both the one and the other shall take with them their families, servants and baggage. Answer: Granted.

XXXVII. The lords of manors, the military and civil officers, the Canadian as well in the towns as in the country, the French settled, or trading, in the whole extent of the colony of Canada, and all other persons whatsoever, shall preserve the entire peaceable property and possession of the goods, noble and ignoble, movable and immovable, merchandises, furs and other effects, even their ships; they shall not be touched, nor the least damage done to them, on any pretence whatever. They shall have liberty to keep, let or sell them, as well to the French as to the British; to take away the produce of them in bills of exchange, furs, species or other returns, whenever they shall judge proper to go to France, paying their freight, as in article XXVI. They shall also have the furs which are in the posts above and which belong to them, and may be on the way to Montreal; and, for this purpose, they shall have leave to send, this year, or the next, canoes fitted out, to fetch such of the said furs as shall have remained in those posts. Answer: Granted as in Article XXVI.

XXXVIII. All the people who have left Acadia and who shall be found in Canada, including the frontiers of Canada on the side of Acadia, shall have the same treatment as the Canadians, and shall enjoy the same

*A Frenchman was a man whose home was France.

privileges. Answer: The King is to dispose of his ancient subjects; in the meantime they shall enjoy the same privileges as the Canadians.

XXXIX. None of the Canadians, Acadians or French who are now in Canada, and on the frontiers of the colony, on the side of Acadia, Detroit, Michillimakinac and other places and posts of the countries above, the married and unmarried soldiers remaining in Canada, shall be carried or transported into the British colonies or to Great Britain, and they shall not be troubled for having carried arms. Answer: Granted, except with regard to the Acadians.

XL. The savages or Indians, allies of his most Christian Majesty, shall be maintained in the lands they inhabit if they choose to remain there; they shall not be molested on any pretence whatsoever for having carried arms and served his most Christian Majesty; they shall have, as well as the French, liberty of religion and shall keep their missionaries. The actual vicars general and the bishop, when the episcopal see shall be filled, shall have leave to send them new missionaries when they shall judge it necessary. Answer: Granted, except the last article, which has been already refused.

XLI. The French, Canadians and Acadians of what state and condition soever, who shall remain in the colony, shall not be forced to take arms against his most Christian Majesty or his allies, directly or indirectly, on any occasion whatsoever, the British government shall only require of them an exact neutrality. Answer: They become subjects of the King.

XLII. The French and Canadians shall continue to be governed according to the Coutume de Paris and the laws and usages established for this country, and they shall not be subject to any other imposts than those which were established under the French domination. Answer: Answered by the preceding articles, and particularly by the last.

XLIII. The papers of the government shall remain, without exception, in the power of the Marquis de Vaudreuil and shall go to France with him. These papers shall not be examined on any pretence whatsoever. Answer: Granted, with the reserve already made.

XLIV. The papers of the intendancy, of the office of the comptroller of the marine, of the ancient and new treasurers, of the king's magazines, of

the office of the revenue, and forges of St. Maurice, shall remain in the power of Mr. Bigot, the intendant, and they shall be embarked for France in the same vessel with him; these papers shall not be examined. Answer: The same as the preceding article.

XLV. The registers and other papers of the Conseil Supérieur of Quebec, of the prévôté and admiralty of the said city; those of the royal jurisdiction of Trois-Rivières and Montreal; those of the seigniorial jurisdictions of the colony, and in general the acts and other papers that may serve to prove the estates and fortunes of the citizens, shall remain in the colony, in the rolls of the jurisdictions on which these papers depend. Answer: Granted.

XLVI. The inhabitants and merchants shall enjoy all the privileges of trade under the same favours and conditions granted to the subjects of his Britannic Majesty, as well as in the countries above as the interior of the colony. Answer: Granted.

XLVII. The negroes and Panis * of both sexes shall remain, in their quality of slaves, in the possession of the French and Canadians to whom they belong; they shall be at liberty to keep them in their service in the colony or to sell them; and they may also continue to bring them up in the Roman religion. Answer: Granted, except those who shall have been made prisoners.

XLVIII. The Marquis de Vaudreuil, the general and staff officers of the land forces, the governors and staff officers of the different places of the colony, the military and civil officers, and all other persons who shall leave the colony, or who are already absent, shall have leave to name and appoint attorneys to act for them and in their name in the administration of their effects, movable and immovable, until the peace; and if by the treaty between the two crowns, Canada does not return under the French domination, these officers, or other persons, or attorneys for them, shall have leave to sell their manors, houses and other estates, their movables and effects, etc., to carry away or send to France the produce thereof, either in bills of exchange, species, fur or other returns, as is mentioned in article XXXVII. Answer: Granted.

*Nebraska Indians used as slaves in Canada.

XLIX. The inhabitants and other persons who shall have suffered any damage in their goods, movable or immovable, which remained at Quebec under the faith of the capitulation of that city, may make their representations to the British government, who shall render them due justice against the person to whom it shall concern. Answer: Granted.

L. The present capitulation shall be inviolably executed in all its articles, and *bonâ fide*, on both sides, notwithstanding any infraction, and any other pretence, with regard to the preceding capitulations, and without making use of reprisals. Answer: Granted.

Postscript.—LI. The British general shall engage, in case any Indians remain after the surrender of this town, to prevent their coming into the town, and that they do not, in any manner, insult the subjects of his most Christian Majesty. Answer: Care shall be taken that the Indians do not insult any of the subjects of his most Christian Majesty.

LII. The troops and other subjects of his most Christian Majesty, who are to go to France, shall be embarked at least fifteen days after the signing of the present capitulation. Answer: Answered by article XI.

LIII. The troops and other subjects of his most Christian Majesty, who are to go to France, shall remain lodged and encamped in the town of Montreal and other posts which they now occupy, till they shall be embarked for their departure; passports, however, shall be granted to those who shall want them, for the different places of the colony, to take care of their affairs. Answer: Granted.

LIV. All the officers and soldiers of the troops in the service of France who are prisoners in New England, and who were taken in Canada, shall be sent back, as soon as possible, to France, where their ransom or exchange shall be treated, if agreeable to the cartel; and if any of these have affairs in Canada they shall have leave to come there. Answer: Granted.

LV. As to the officers of the militia, the militiamen, and the Acadians who are prisoners in New England, they shall be sent back to their countries. Answer: Granted, except what regards the Acadians.

Done at Montreal, the 8th of September, 1760.—Vaudreuil.

Done in the camp before Montreal, the 8th September, 1760.—Jeffery Amherst.

CHAPTER IX.

The French flags—The troops around Montreal—Paper money—Embarkation of the French for France—The militia—Administration of the colony, 1760-1764.

The war in America was over. The disarming of the rural militia took place without noise or demonstration, perfect order prevailed, for the Canadians fully understand the situation, and, furthermore, they had desired peace for a long time. In certain cases, the "habitants" were allowed to retain possession of their guns as being necessary for the killing of game and for personal protection.

"The Chevalier de Lévis seeing with sorrow that nothing could prevail to alter the determination of the Marquis de Vaudreuil, and wishing to spare the French troops a part of the humiliation they were about to endure, ordered them to burn their flags to avoid the painful obligation of delivering them to the enemy. The English general had given them until six o'clock in the morning, but it was eight o'clock when the acceptance was brought to him. It was agreed that they (the English troops) should come the same evening to occupy the Recollet's suburb of the town.'"

The same day, Colonel Haldimand, with the Grenadiers and light infantry, took possession of one of the gates of Montreal.

The French troops were now reduced to three thousand seven hundred men, not including the militia of the town of Montreal. The following letter was addressed to Monsieur de Bellestre, commanding officer at Detroit:—

"MONTREAL, September 9th, 1760.

"I beg to report, Sir, that I was obliged to capitulate yesterday to the army of General Amherst. This town is, as you know, without defence. The number of our troops had considerably diminished; our provisions and

*Journal of the Chevalier de Lévis, p. 308.

resources were totally exhausted. We were surrounded by three armies, which together numbered at least thirty thousand men. General Amherst has been in sight of the walls of this town since the sixth of this month; General Murray in reach of the outskirts of the town; the army of Lake Champlain occupied both Laprairie and Longueuil.

“Under these circumstances, having nothing to hope for from the efforts or even the sacrifice of the troops, I wisely decided to capitulate to General Amherst, under very advantageous conditions for the colonists, and particularly for the inhabitants of Detroit. Under the same, they are allowed the free exercise of their religion; they retain possession of their real and personal property, and of their furs. They are also granted the privilege of unrestricted trade in common with all other subjects of the King of Great Britain. (Signed) VAUDREUIL.”

Similar letters were addressed to all the French commanders of the Western and Great Lakes posts.

In a report written to the Honourable William Pitt, Prime Minister, General Amherst said: “The ten French battalions laid down their arms and surrendered the flags which had been taken from the regiments of Pepperel and Shirley at Oswego; the Marquis de Vaudreuil, the generals and other superior officers of the regiments giving their word of honour that the battalions had no flags; they had brought them with them (when they came from France) six years ago; they were in rags, and finding them cumbersome in this country, they destroyed them.”

Amherst dismissed from the camp at Montreal the troops from New Hampshire, Massachusetts and Rhode Island, sending them in the direction of Chambly and Lake Champlain. He went to town and called upon Monsieur de Vaudreuil.

The latter returned the call of General Amherst the following day in his camp, and the line troops paid him the customary honours under similar circumstances. In the course of the conversation the French governor was very communicative. He told how, since the fall of Quebec, he had corresponded with France by way of the gulf. He showed a letter from the minister of the colonies promising to send provisions, etc., etc., and begging

him to hold out, for he expected that peace would be signed early in August of that year.

The same day Amherst sent the troops from Connecticut to Oswego. Then he wrote to Haldimand, who was in Montreal: "Dated from Montreal Camp. Sir,—I have just decided on the ship that will receive and carry the Marquis de Vaudreuil and his suite; its name is the 'Moleneux,' and it is commanded by Mr. Welshman. The 'Wolfe,' Captain Oliver, is also fixed upon for the commissioner, and I have given orders that each one of these two gentlemen be provided with three flat-bottom boats, so that they may commence to load their belongings whenever you may see fit; the six boats are to be sent to you to be placed under your charge, in order that you may give the necessary orders relative to this subject. I have also chosen two other ships, one for the Chevalier de Lévis and his suite, and the other for the engineers and the staff officers, but as I was in receipt of several reports, yesterday, that French flags had been seen very recently, and that consequently the refusal to deliver the same to us was an infraction of the terms of capitulation contrary to the rules of war and one which, in order to uphold the honour of my master, the King, I could not permit, you will be good enough to make it clear to the Marquis de Vaudreuil that these flags must be found, and that if they persist in refusing to deliver them I shall be, in order to justify myself before the King, obliged to examine all baggage before it is shipped. But I am persuaded that the orders he will give to those under his command, will render such an inspection useless, and that, after having well reflected, those who may have considered themselves authorized to retain these flags will be sufficiently honourable to surrender them, in order to avoid consequences that would be most disagreeable to me. You will be good enough to make all necessary enquiries on this subject, and to report on the same to me. I beg to remain, Sir, your most humble and obedient servant, Jeff. Amherst." We know nothing further about this incident of the flags, which has puzzled historians and still remains a mystery.

Then Amherst sent the troops from New York and New Jersey to Oswegatohi, now Ogdensburg. Major Rogers left with two hundred sharpshooters for Detroit, carrying the letters of Vaudreuil to the French commanders in the West.

Letters from Amherst to Colonel Haldimand.

“Dated from the Camp at Montreal 13th September.

“Sir,—I have finally decided on all the ships that are to convey the Marquis de Vaudreuil, his officers and the troops. I am sending you a list of the same which is to be in no way altered; therefore I beg you to give orders that the embarkation take place without delay. You will see by this statement, that I have even provided for the servants, women and children and that there is room for all. You will find enclosed herewith the account of Monsieur la Chenaye, equerry to the Marquis de Vaudreuil, to whom you will be good enough to say, that I have instructed Governor Murray to return all goods and chattels that may have been held back, to their respective owners, and that he, as well as all others concerned may go and take possession of the same to dispose of as they may see fit. I am, etc., etc., Amherst.”

Three English battalions left for England on the 15th. Lévis and Bourlamaque asked to be exchanged for English prisoners in order to continue to serve in Europe during the war, but Amherst refused to take the responsibility of giving this permission; he offered to communicate with Minister Pitt on this subject.

“General Amherst sends his compliments to Colonel Haldimand and begs him to assure the French officers that he has just received word through the reports of Lord Colville that there are sufficient ships in Quebec for the transportation of all the troops to be sent by boat, and that nothing will be lacking in the way of food and comforts for both officers and troops. Captain Bateman will give any assistance in the embarking of the troops that Colonel Haldimand may request of him. J.A.”

The correspondence between the commanding general, Sir Jeffrey Amherst, Governor Burton, Gage, Murray, Colonel Haldimand and others was written in French, probably with a view of showing the same to the French and Canadians interested in the proceedings. The wording was good with certain English idioms in places.

The statement concerning the embarking of the French troops shows about ten battalions composed as follows:—

| | Officers | Sergeants | Soldiers |
|------------------------|----------|-----------|----------|
| La Reine | 29 | 26 | 266 |
| La Sarre | 19 | .. | 192 |
| Royal Roussillon | 27 | .. | 230 |
| Languedoc | 25 | 26 | 270 |
| Guienne. | 20 | 24 | 219 |
| Berry. | 25 | .. | 319 |
| Berry | 24 | .. | 366 |
| Béarn | 24 | .. | 254 |
| Marine. | 107 | .. | 1052 |
| | 300 | 76 | 3168 |

Amherst gave instructions that food be provided for five thousand men until the end of May, from Montreal to Quebec.

Notice.—Pierre Rigaud, Marquis de Vaudreuil, Grand Cross of the Royal and Military Order of St. Louis, Captain of the ships of his most Christian Majesty; François Bigot, councillor of the King, commissary of the navy, having been informed of the anxiety of the people of this colony concerning the redemption of the paper money remaining in circulation, we feel it our duty to assure them that we have not the slightest doubt but that his most Christian Majesty will redeem this money so soon as the circumstances be more favourable. His Majesty has even assured us that such will be the case; it is only a question of delay in payment, caused by the great expenses unavoidable during war, and we are convinced that the Canadian people will have enough confidence in us to patiently await the fulfilling of the promises of His Majesty. On our part, when in France, we shall spare no effort to obtain of His Majesty the shortest delay possible by setting forth to him the affection with which these people have served him, and we exhort them to continue to circulate among themselves this same money. “Signed: Vaudreuil, Bigot. Given at Montreal the 15th of September, 1760.”

“Dated at the Camp of Montreal, September the 16th, 1760. Sir,—I have just received your letter with the note and the notice which were sent to you by the commissary. I could not think of allowing this notice to be

posted; this would be to acquiesce to an arrangement to which I could not agree without first knowing the will of the King on this subject, but, as I have said, at the beginning, in order to accord all privileges in my power to the habitants, I shall close my eyes to whatever circulation may be made of the paper money among themselves. Believe me, very sincerely your most humble and obedient servant, Jeff. Amherst."

On September 16th, Amherst appointing Burton governor of Three Rivers, wrote to him as follows: "Awaiting the King's good pleasure you will rule according to military law, should you find the same necessary, but I am of the opinion that the differences which may arise amongst Canadians should be settled by themselves according to their own laws and customs. When the habitants shall have taken the oath of allegiance they will be as much subjects of His Majesty as we are ourselves, and therefore will be entitled to the same protection." The 23rd of September he added in writing to the same person: "Theft and murder are to be punished according to martial law . . . but the habitants are to settle their differences according to their own laws. You will authorize the captains of the militia to preside over the hearings in the parishes. . . . You will appoint your council to be composed of as many captains of the militia as you may deem necessary in order to hear the appeals, should there be any."

The oath above alluded to formulated by Amherst the 12th of September read as follows: "I swear that I will be faithful and conduct myself loyally towards His Majesty George the Second, by the grace of God, King of Great Britain, France and Ireland, Defender of the Faith, and that I will defend him and his, in this country, with all my strength, against all his enemies or theirs; I will make known to His Majesty, his general or those acting under him, in so far as I am able, all traitors or all conspiracies that may be formed against his sacred person, this country or his government."

Perfect order prevailed. The antecedents of individuals, no matter to what class they belonged, were not looked into. There never was a conquest so peaceably achieved. Quiet ruled in the rural districts from the moment that the men of each company returned to their homes. Apart from the poverty, the ruins in certain parishes, the absence of the dead, everything was as peaceful as before the war. The end of the war was, to

tell the truth, indeed a relief. The cause was last, but the adversaries of yesterday were filled with respect for the courageous defenders of the soil and the conduct of the former would be regulated by their own. The new yoke could not be worse than the old, all things considered, for the Canadians had always wished for something better, without knowing, however, how to change the order of things, owing to their lack of political education. This people who had only known government from afar, the imperative dictation of the mighty, realized the injustice of its position, but did not know how to remedy the same. They did not expect much betterment from the new regime; they were accustomed to bend the knee before a master. They could nevertheless hope that life would be no harder under a foreign government than it had been under the reign of the favourites of the king. Thus a few days after the departure of the French troops and the administration that carried away the flag of the Bourbons, they were greatly surprised to see gold and silver coins in circulation, instead of the miserable paper money, to which they were accustomed, as well as the opening of free shops, where everything could be bought at reasonable prices, articles that formerly had been highly taxed for the benefit of the grasping monopolies that had always kept the colony in a state of poverty. English traders asked the farmers to produce wheat and other cereals in abundance, promising to pay in gold for as much as they could deliver. Such a wind-fall had never been known in the country. A new era was opened to them. What government could be better than one that allowed everyone to improve his condition by honest work—and, thank God, the Canadians were industrious. Add to this the fact that all the superior officers of the English army, as well as the civil officers, wrote and spoke French, being very careful lest on this score it be felt that they were foreigners. So what was there to complain of?

The future seemed bright. It remained to be seen whether or not the English laws, which were much feared, would disturb the quietude of this people so thoroughly attached to their country that they knew no other, in spite of the pamphleteer and the poet who said that "he was an exile in his own country." He would not have wished to return to France, even if he had had permission to do so.

The 16th of September, Burton was appointed governor of Three Rivers, and Webb's regiment was sent there.

The 17th, all the French troops were embarked. Vaudreuil sent Catalogne, ensign "en pied," to the Bay des Chaleurs to order those remaining there to disarm.

The 18th, the companies of the regiments "Royal" and "Montgomery" left for New York on their way to Halifax.

The 19th, Amherst received a letter from Pitt dated July 23rd.

The following letter was addressed to Colonel Haldimand, who remained in town:—

"Dated from the Camp at Montreal, September 19th, 1760.

"*Sir*,—As I have already ordered you to assemble the militia of Montreal to-morrow in the city, I am sending you the form of oath of allegiance that you are to administer to them. When they are assembled, you will have them lay down their arms and after that, repeat and take the aforementioned oath, having a list made of their names, their calling and the parishes they belong to. The arms you will have placed in the arsenal, where they will be received by officers of the artillery. And, as it may happen that, later on, these same arms be restored to them, it is advisable that each man fasten to his own a ticket bearing his name, and the company to which he belongs, so that, in case of the above eventuality, it would be possible to give each man his own weapons. You will take this occasion to make known to the captains of militia (who must hand in their commissions) that I shall not delay in sending them new ones; that the troops are soon to take possession of their winter quarters, where they will be cared for by the King, and that I shall have a schedule of prices made to apply to the carting, etc., by means of which the habitants will be spared many inconveniences and they will be able to live peacefully and quietly at home.

I am, yours, etc.,

JEFF. AMHERST."

The 20th the Marquis de Vaudreuil embarked on the "Marie," a French frigate captured in the gulf. Then the militia of the city and of the surrounding towns laid down their arms and took the oath of allegiance.

The 22nd, Brigadier-General Gage is named Governor of Montreal.

The troops in the towns as well as in their cantonments amongst the country people were provided for by the King in kind, and it was expressly ordered that they should pay for all that they bought from the inhabitants in ready money and specie. General Amherst issued a placard on the 22nd September, stating: "As it is specially enjoined on the troops to live with the inhabitants in harmony and good fellowship, we likewise recommend the inhabitants to receive and treat the troops as brothers and fellow-citizens. It is further enjoined upon them to harken to and obey all that is commanded them, whether by us or by their governors and those having authority from us and them. And so long as the said habitants shall obey and conform to the said orders, they shall enjoy the same privileges as the ancient subjects of the King, and they may rely on our protection."

On the same day, General Amherst authorized the Governors of Quebec, Montreal and Trois-Rivières to nominate to all posts vacant in the militia, adding that they may begin by signing commissions in favour of those "who have lately enjoyed such posts under his most Christian Majesty." In the same document he says: "That in order to settle amicably as far as possible all differences which may arise amongst the inhabitants, the said governors are charged to authorize the officer of militia commanding in each parish or district, to hear all complaints, and if they are of such a nature that he can settle them, he shall do so with all due justice and equity; if he cannot decide at once, he must send the parties before the officer commanding the troops in his district, who shall in like manner be authorized to decide between them, if the case is not sufficiently serious to require its being brought before the governor himself, who in this, as in every other case, shall administer justice where it is due.

"For the better maintenance of both good order and police, in each parish or district, the arms of the inhabitants shall be delivered up to the officers of militia; and if thereafter there shall be any of the residents who desire to have them, they must ask for a permit from the governor, so that the officers of the troops commanding the district in which these persons are residing may know that they have the right to carry arms.

"The meagre support which Canada has received from France for the past two years having exhausted her wealth, her supplies and her neces-

saries, we have for the common good both of the troops and the habitants, given orders in our letters to the different governors of the English colonies nearest to Canada, to post up and publish notices to their colonists to repair hither with all sorts of provisions and supplies, and we flatter ourselves that we shall see this project carried out without delay; and as soon as it is done, everyone will be notified so that he may have his share in it, at the current rates, and without duty.

“Trade will be free to everyone without duty, but merchants will be obliged to take out passports from the governors, which will be furnished them gratis.”

“The Canadians are to a man soldiers and will naturally conceive that he who commands the troops should govern them. I am convinced at least it will be easier for a soldier to introduce and make palatable to them our laws and customs than it can be for a man degraded from the profession of arms.”*

After all was not the colony always under military rule? Where was its liberty during the time of the French occupation?

The organization of the militia tribunals was made by an Ordinance from Governor Murray dated 31st October, 1760.†

The first commission as judge (distinct from the militia) was given by General Murray on the 6th January, 1760, worded in the following terms: “It being found necessary for the wellbeing and profit of the inhabitants of the parish of Berthier and those lying beyond as far as Kamouraska inclusive, and for the maintenance of the police and good order in the said parishes, to establish courts of justice therein, and knowing well the exemplary life, sound morals and capacity for the administration of justice of Mr. Jacques Allier,‡ we have appointed and hereby do appoint him civil and criminal judge to execute justice in the aforesaid parishes—save in the matter of appeal in the town of Quebec before Colonel Young, the civil and criminal judge in final appeals of the aforesaid town and conquered territory, and that the said Sieur Allier may enjoy the said office with the

*General Murray, 15th October, 1764.

†See *Canadian Archives*, 1907, p. 35.

‡A Canadian.

fees, emoluments, rights, honours and prerogatives thereto appertaining—we order the same Sieur Allier to receive the said commission under penalty of disobedience, after having taken oath between our hands on the Holy Gospels to perform the duties of his office with all loyalty, zeal and conscience.”

In France, Germany and the United States a conquered people cannot acquire citizenship except by the final treaty of peace, and they are thus placed in an undefinable position, transitory, full of uncertainty, even ruinous and most humiliating.

The English law, on the contrary declares that, from the moment the British flag floats over a territory the same shall constitute a part of the possessions of the Crown and that the inhabitants be under the protection of the King of Great Britain, that they become his subjects and be universally regarded as such in all parts of the territory occupied by his troops, and not as foreigners or enemies. It is not necessary to pass legislation to bring about this change.

The acquisition of territory may be made in more than one manner. For example, First. A sovereign cedes a province in consideration of a compensation, under the guise of an exchange or otherwise; or he cedes it to avoid a war. This constitutes cession pure and simple. Second. A country is conquered by war; then a treaty gives it to the victor. This is conquest and not cession, since the defeated power does not possess that which it afterwards apparently cedes; its act is a recognition of the conquest that has taken place; it grants its acquiescence, and does not go further than giving permanency to the acts of the conqueror during the military occupation that has preceded the treaty. This has been an English principle for centuries. Third. Here is the case of New France; a field battle is won by the English army; the neighbouring city capitulates, making conditions accepted by the victor; seven months later a field battle is won by the French army in its turn; the hostilities continue and five months are thus passed, after which another city that had not been taken capitulates in order to put an end to the war, and makes conditions that are accepted.

According to English law the capitulations form the basis for future

action; there is no question of conquest, and, as for the treaty of cession which is made subsequently, its value is unimportant, as the conquered people are already English subjects, enjoying all the privileges attached to this title, and never were at the mercy of the conquerors.

The fact of having laid down arms, and having seen their conditions accepted while asking for the protection of the conqueror, determines the status of the defeated. Furthermore, it is understood that the English laws are not to be imposed upon the defeated nation.

New France becoming a part of the British Empire, under written conditions dictated by herself, became detached from a kingdom less free than the nation to whom she was annexed. By the conquest the Canadian people were able to become an agricultural colony, and were no longer a people of trappers and woodsmen or soldiers sacrificed to the interests of the great.

In vain do we look for the words "conquest" or "cession," for the documents signed in Quebec, September 18th, 1759, and in Montreal, September 8th, 1760, are broader than that, they constitute a compromise between two parties meeting each other half way to come together on a friendly footing.

The laws of the conquered country remain in force until the local or Imperial Parliament has decided on the question. The King alone has not the power to change them. (Gonzalve Doutre, *Droit Civil*, page 336-7.)

The famous motto, "What we have, we hold," signifies not only that the British administration is always armed to defend its territory, but also that it knows how to take, in advance, the necessary precautions and measures to win the people to its cause before the other powers dispute its possession.

It might be thought that, from 1760 to 1764, Parliament or the minister, or the King, would have taken the trouble to regulate the affairs of Canada more or less, but this was not the case. The colony was in the hands of General Amherst, who ruled it according to the terms of the capitulations. This officer was a man of great wisdom and of high intellectual attainments. He understood perfectly that he must, so far as possible, continue the state of things that had existed before the war, changing only certain details so as to meet the needs of the moment—just as though Can-

ada were to be returned to France when peace would be signed between the two countries.

This period, which lasted from the 8th of September, 1760, to the 10th of August, 1764, was called the Military Regime, but it would seem that the presence of the English troops alone justified this appellation, as I fail to see that it was any harsher than the so-called Regime of Peace under which the colony had suffered for 150 years. There was none of the German sternness nor the French absolutism that these two words "Military Regime" would imply. It seemed more like the rule of a good father. It is the same with the term "military rule" as with seigneur and seigneurie; imagination conjures a dark picture of the first, and a rosy one of the two others—because in our ignorance we attach certain significations to words without knowing to what they apply.

To the credit of the military officers who had fought against the Canadian militia and who were called by circumstances to administrate the colony, it must be said that their conduct was loyal and generous. They knew the worth of the habitants and they respected them. This greatly helped to pacify the rural districts, to banish fear, to inspire confidence and to permit of making calm and just comparisons between the old rule and the new.

Later on, men filled with prejudices were sent to us from London, who spoiled the situation by false British zeal. The first to defend the Canadians before the British public were those who had met them on the field of battle, and who afterwards had studied at first hand their character and their disposition. They did not hesitate to protest against the blindness of ill-advised officials who modelled their line of conduct from that of their colleagues in certain colonies, where the condition of people and things was very different. It was officials of this class who brought about the revolutionary movement that created the United States.

Someone has made the following remark: We are forced to believe that the liberty accorded to the Canadians in 1760 was only relative, since they continued to struggle—even in concert with the English liberals—to obtain greater freedom.

In this observation 1792 and 1837 must have been confounded with

1760. Before 1760 the Canadians did not know the meaning of political liberty. The little that was given them then astonished as much as it overjoyed them. Their children profited by this beginning of political education to develop the principles of liberty which took time, as we know.

General Murray, a lieutenant of Amherst, made it his policy to change nothing in the country before the end of the war in Europe and the signing of peace. We shall see that he had a very delicate task before him. Being a military chief he had not the power to form a council or any kind of legislative body. It is true that he did not wish to make laws, but it was, nevertheless, necessary for him to attend to the public affairs of a country that had never had a municipal system, and from which authority, autocracy, absolute government had just departed.

What was to take the place of the form of government that had disappeared? The organization of a judicial system was of first importance as the courts had been dissolved. Commissions of justice of the peace were given to the officers of the militia, who were to sit in their respective districts, using the civil laws of the country as before—according to articles 37, 42, of the capitulation of Montreal.

Let us quote a historian: "The positions of captains and officers of militia in the rural districts were generally filled by the seigneur and other persons of note who made their residence there, and these persons were the most highly educated and the best informed on general questions and even on legal matters. After the departure of the members of the legal profession these men were the best that could be chosen to administer justice. They also were the class of men that the English were best able to appreciate; having known them as brave soldiers, they could credit them with the honour that is inseparable from their profession, and consequently with the inborn sense of equity indispensable to judges, and, furthermore, they were acquainted with both civil and military law. Events proved that they were not mistaken, for the courts of justice gave almost general satisfaction to the habitants."*

Here is another opinion: "Although under the military rule of its conquerors, the country was administered by them according to the laws,

*Dr. Jacques Labrie, written in 1827; see *le Règne Militaire*, Montreal, 1870, p. 28.

forms and usages that had prevailed during the time of French rule, at least in so far as the civil laws were concerned, but as the judicial administration was placed in the hands of officers of the militia and of the British troops, as a consequence perhaps of the fact that the majority of the legal profession had returned to France, there must have been more than one arbitrary act committed on the part of the judges, who were only more or less perfectly acquainted with the laws of Canada. This is doubtless the explanation of the name given by our ancestors to this short period of our history.”* Happily Mr. Viger said “doubtless,” thus admitting that his supposition was open to doubt. Scholars who have taken the trouble to study the subject, express a quite different opinion, when speaking of the supposed lack of legal men, of the irregularities “that must have occurred,” and of the terror to be found in the words “*règne militaire*” (military rule).

“The records kept by the captains of the militia showed that their rulings conformed entirely with the French laws,” said, in 1827, Dominique Mondelet, who, later on, became a distinguished judge; and he adds: “It does not require great penetration to be convinced, after having examined the registers and nearly all the judicial records of this period, that the governors were above all desirous of winning our friendship, by preserving our customs and laws. We do not find the slightest attempt to introduce the English laws, and still less to judge according to military law; for even if these judges were occasionally arbitrary in their rulings, it must not be concluded that the reason for their decisions is to be found in their adherence to laws made for soldiers only, but rather that in their desire to mete out justice in each particular case they were at times obliged to violate the general principles of the laws. The only thing military about these tribunals was their name, taken from the profession of the judges who presided over them. . . . Should one be unconvinced by various edicts of General Gage, of his determination, most decidedly expressed, to make the ancient laws of the country the authority for the rulings of these courts, all doubts on the subject will be banished by the perusal of a few of these judgments. Those who are interested in alleging that our conquerors

*Jacques Viger, 1827, quoted in 1870 in *Règne Militaire*, p. 5.

wished to deprive us of all that we held dear, might, with greater adherence to facts, show that these courts had no fixed laws for their administrations, if we are to judge from several particular cases; rather than to accuse them of being interpreters of military law, which has fixed rules, and has nothing in common with the jurisprudence of this period.”*

Mr. Gonzalve Doutre, a celebrated lawyer, affirms that the courts of justice of the Military Regime, administered according to the laws and customs of the country and not in accordance with the laws of equity nor the English laws. The numerous documents referring to these tribunals indicate much satisfaction at their rulings.†

The old division of Lower Canada into three districts, Quebec, Three Rivers and Montreal, was not altered. The appeals from the judgments of these courts were referred to the governors commanding the district. To assist the latter in his judicial labours, Cugnet, Daine, Panet, De Leigne, Belcourt-Lafontaine and others, all distinguished jurists and true Canadians, were appointed.

Here is further testimony on the subject: “At the time of the conquest far from being made to feel the sadness of captivity . . . we were left in possession of our laws and customs. The free practice of our religion was preserved and confirmed by the treaty of peace; and our own citizens were named the judges of our civil disputes. We shall never forget this great kindness . . . and we shall not allow it to be forgotten by our descendants.”‡ In this document they complained that English laws had recently been introduced into the country.

*The “*Règne Militaire*,” p. 4.

†The “*Droit Civil*.”

‡Address of the Canadiâns to the King, 1773.

CHAPTER X.

Amherst leaves Canada, 1760—State of the country—Report of Murray, 1762.

The 27th of September, 1760, Amherst left for Three Rivers, where he arrived the following day; on his way he passed Vaudreuil's vessel which had run aground and was delayed by the lack of wind. He visited the St. Maurice forges and ordered work there to be continued. After having spent two days at Three Rivers he descended the river and passed by the greater part of the French troops on their way to Quebec where they were to embark.

The 1st of October finds him at Deschambault. On the morning of the 3rd he arrived at Quebec, from whence he wrote on the following day to Pitt: "Canada does not seem to be in need of cows, bullocks, sheep or poultry. There are already too many horses; and if the farmers had not had a superabundance of cattle they would not feel the need of them now. Clothing stuffs of all kinds are very scarce, these will now be purchased from the other colonies. The greater part of the houses throughout the country are built of stone and in excellent condition. The troops have good quarters in the various parishes of the three districts. They are being fed by the King's government and live in harmony with the country-folk. I can assure you, Sir, that this country is as peaceable and loyal as any province in the King's domain. I am leaving to-morrow for Crown Point and shall go from there to New York."

He gave a statement of the population of the districts:—

Quebec, 32,584 souls, 43 parishes; Montreal, 37,200 souls, 46 parishes; Three Rivers, 6,388 souls, 19 parishes. Quebec, 7,476 militia men, 64 companies; Montreal, 7,331 militia men, 87 companies; Three Rivers, 1,105 militia men, 19 companies.

I shall add the following: The rural districts contained 53,000 persons, the towns, 12,200, distributed as follows: Quebec, 6,700; Montreal, 4,000;

Three Rivers, 1,500. These figures included 400 noble, seigneurial or otherwise influential families. The clergy coming from France numbered 47 secular priests, 30 Sulpicians, 18 Recollets, 17 Jesuits, in all 112; the ecclesiastics born in the country numbered 42 secular priests, 10 Recollets, making in all 164 persons. Fifteen years later, in 1775, the number of French priests was diminished by half, while that of the Canadians was increased by five only; thus there had come from France: 27 secular priests, 20 Sulpicians, 13 Jesuits, 9 Recollets, making 69; of those born in the country there were 48 secular priests, 7 Recollets, 2 Sulpicians, making in all 126 persons.

On October 18th, Amherst, who had arrived at Lake Champlain wrote to Pitt that, according to the latest information that he was able to obtain, the habitants were on most friendly terms with the soldiers who were quartered in their houses.

About this date Mr. Briand, Vicar-General at Quebec, requested the parish priests to make a list of the poorest families, stating that General Murray was taking measures to relieve severe poverty in the parishes.

There was a great deal of distress in the district of Quebec as a result of the poor crops and the ravages of war. The officers of the English army took up a subscription among their troops, to the great surprise of the Canadians, who were thus saved from extreme want while awaiting better days. From the major-general down to the drummer boys every soldier contributed a day's pay each month; the English merchants who followed the army also contributed generously to the relief fund. Once their eyes were opened by these acts, the Canadians were convinced that there was no ground for the fears they had entertained concerning their conquerors, and, adds Murray, "far from seeking refuge in the other French colonies, they were in fear of being transported like the Acadians, and above all, wished to remain on their native soil. Thus they will remain in their own land enjoying religious freedom, becoming good and loyal British subjects, and their country before long will be a rich and useful colony of Great Britain," he said in a report to the minister, dated June 5th, 1762.

On the 6th of January, 1761, Mr. Montgolfier issued a letter mitigating the Lenten fast.

On the 18th of January, Vicar-General Briand requested the parish priests to make haste to return their reports in order to facilitate the distribution of food and assistance promised by General Murray.

George II. died on the 25th of October, 1760. On the 19th of February, 1761, "the gentlemen and other persons inhabiting the town who had not been enrolled in the militia," were ordered to assemble on the following Sunday to take the oath of allegiance to George III. The citizens of Montreal presented an address of condolence and warm sympathy to Governor Gage, many of them going into mourning. These acts of deep courtesy shewed that the clergy, the nobles and the bourgeoisie were acting in the best manner to further the good relations existing between the people of the country and their new rulers.

Here is another proof of this friendly feeling. The troops and other Protestants not possessing either church or chapel were accommodated in the Catholic Churches which were given up for their use during the hours on Sunday when they were not being used for Catholic worship. Mass being said from nine o'clock to half past ten, the Protestant services were held from eleven o'clock to half past twelve or one, as it happened.

I have not found any mention of Catholic processions during the first ten years, however about 1773 it was the custom that: "An officer meeting the procession salutes with hand to the helmet. A soldier turns towards the dais (canopy covering the host), halts and stands at attention. Soldiers not wishing to pay this courtesy must avoid meeting the procession."^{*}

The war in Europe still continued. Amherst must have written that Canada was quiet, for, on the 20th of March, 1761, he transmitted to Haldimand orders from His Majesty for the reduction of the troops. There only remained the necessary detachments for guarding the military stores and maintaining order in the absence of a police force.

Lord Egremont, Secretary of State, wrote to Sir Jeffrey Amherst on the 12th of December, 1761, that the King was much pleased with the kindly dispositions of this general towards the Canadians, and complimented him on his instructions to the troops to induce them to live on good terms with the people of the country. The latter, he said, being British subjects are

^{*}See *Bulletin des Recherches*, 1906, p. 58, for more details.

entitled to the protection of His Majesty, and to all privileges and advantages enjoyed by his other subjects. He requests that the governors be notified to give formal and explicit orders forbidding any soldier, sailor or other person to insult the French habitants, who are now subjects of the same prince, forbidding any one to offend them by being so ungenerous as to taunt them with their defeat, or to make insulting remarks on their language, their clothes, their fashions, their customs, or their country, or uncharitable and un-Christianlike reflections on their religion. And, as the civil magistrature is not yet established in the aforesaid conquered country, it is the King's will that the governors use all the authority confided to them to punish all persons so disrespectful as to disobey the orders of His Majesty on a point so important to his interests, and he enjoins them to give orders to whom it may concern, in order that no English subject may disobey through ignorance, and that "all Canadians may feel and appreciate the advantages of the powerful protection of His Majesty, to their full extent."

This letter, read at the doors of the churches, after mass on Sunday, was placarded in the same places, for the information of the public in general. All the orders of the governors were posted, as well as the news of the entire world so soon as it was received. The Canadians had always been kept in ignorance of the outside world, and they were not publicly acquainted with their obligations. The press did not exist under the French rule. Everything was done behind closed doors, so that the decisions of those in authority were kept secret. Little, if anything, was said on the subject. This goes without saying, since the people were kept in absolute ignorance, and the result was a feeling of fear shared by all, although they were accustomed to this treatment. It was a great relief to the people to have the orders and news made public.

"The new subjects were, by these means, admitted to a knowledge of the political events which were happening in other hemispheres throughout the empire. Their experience had been hitherto limited to what took place in their parishes, and at their own firesides. They were now experiencing a consideration for their rulers, until this date unknown to them. As we, to-day, consider the notifications contained in the governor's proclamations,

they may appear trivial and of little benefit to those to whom they were addressed. To place ourselves in a position to understand why they contained within themselves the first element of political education, we must remember that printing had hitherto been unknown, and in the rural parishes outside of the cities of Montreal, Three Rivers and Quebec, the life of the *habitant* was diversified by no public event beyond his social and family relationships and his lawsuits, except when forced to take up arms in the field at the call of the governor.”*

On the 1st of February, 1762, Mr. Montgolfier ordered a “Te Deum” on the occasion of the crowning and the marriage of George III., stating that the formula was to read as follows: “We shall pray for our most gracious sovereign lord, King George, our most gracious Queen Charlotte, the Dowager Princess of Wales and all the royal family.” He spoke in highest terms of the English generals who had been in Canada, and of those who were then there. A similar charge was issued at Three Rivers by Mr. Perreault, on the 3rd of February, and at Quebec, by Mr. Briand, on the 14th of February.

Governor Burton in his report of the 5th April, 1762, speaking of the district of Three Rivers, stated that “the inhabitants, and chiefly the peasantry, seem very happy in the change of their masters. . . . None have hitherto, to my knowledge, emigrated from this government, and at present there seems no grounds to fear the emigration of any of them. The gentry are the only people who may perhaps intend to remove, if the country should remain under the government of Great Britain.” At the same date Governor Gage, of Montreal, said: “No persons have left this government to go to France, except those who held military or civil employment under the French King, nor do I apprehend emigration at the peace, being persuaded that the present inhabitants will remain under the British dominion. I perceive none preparing to leave the government or that seem inclined to do it, unless it is a few ladies whose husbands are already in France, and they propose to leave the country when peace is made, if their husbands should not rather choose to return to Canada.”

“I feel,” said Governor Gage, of Montreal, on the 20th April, “the

*Kingsford: *History of Canada*, IV., 451.

highest satisfaction that I am able to inform you that during my command in this government, I have made it my constant care and attention that the Canadians should be treated agreeable to His Majesty's kind and humane intentions. No invasion on their properties or insult on their persons have gone unpunished. All reproaches on their subjection by the fate of arms, revilings on their customs or country, and all reflections on their religion have been discontenanced and forbidden. No distinction has been made betwixt the Briton and Canadian, both are equally regarded as subjects of the same prince. The soldiers live peaceably with the inhabitants and they reciprocally acquire an affection for each other. . . . The Indians have been treated on the same principles of humanity. They have had immediate justice for all their wrongs and no tricks or artifices have hitherto been attempted to defraud them in their trade. . . . Immediately after we became masters of this country, all monopolies were abolished and all incumbrances upon trade were removed. The traders choose their posts without the obligation of purchasing them, and I can by no means think the French management in giving exclusive grants of trade, at particular posts, worthy of our imitation. The Indians, of course, paid dearer for their goods, and the trade in general must have been injured by monopolies. The traders were alone at the posts they had purchased, where no person in authority had the inspection of their conduct and committed many abuses, for which the Indians could get no redress; and it has happened that the Indians had murdered the traders and plundered their effects, by which the French have been drawn into wars at very great distances and at a great expense. The French also found a very great inconvenience in this kind of traffic from the loss of men to the colony."

On the 7th of June the Catholic clergy united in sending an address to Governor Murray thanking him for the religious tolerance enjoyed by the Canadians, and for his charitable procedure, and the wise measures in general that had brought about the feeling of good will existing between this people of two languages and two beliefs.

Haldimand wrote to Amherst from Three Rivers, on the 7th of August: "Everything is very quiet here; everyone interprets the news of the appear-

ance of a French and Spanish fleet in his own manner, but I cannot see that this news has made an impression at all disadvantageous to us."

As a matter of fact, in the hope of saving the fisheries of Newfoundland, Louis XV. had sent M. de Ternay with the Comte d'Haussonville, four frigates, a fire ship and landing troops, who took possession of the town of St. John's, after having destroyed the English fishing posts on the coast, but, at the end of a few weeks, General Amherst captured d'Haussonville and his garrison (September 18th), while de Ternay taking advantage of a fog escaped with his ships, pursued by Lord Colville, who had command of the English fleet in Quebec in 1760-61.

Here is another letter from Haldimand to Amherst:—

"THREE RIVERS, August 25, 1762.

"*Sir*,—Your Excellency's letters of the 19th of July and the 2nd of August, reached me together on the 16th instant, making me acquainted with the welcome news of the conclusion of peace between His Prussian Majesty, the Russians and the Swedes; with the list of officers serving in Portugal, those that we lost in the Isles, and the changes that have been made in the ministry. I have the honour of enclosing herein, the monthly report of the troops you have confided to my charge; their behaviour is excellent, and everything is peaceful in the district. The capture of St. John's, Newfoundland, did not create the slightest impression in our disfavour, among the habitants. I am convinced, on the contrary, that they would be filled with despair at seeing a French fleet arrive in the country, no matter how powerful it might be, knowing very well that, as we have such easy communication with our colonies, they would be the only victims; and, in general, the Canadians are beginning to appreciate too well the prize of liberty, to be the dupes of the French in such a case. Now they are quietly engaged with their crops, which will be good this year."

The birth of the Prince of Wales, in the month of August, does not seem to have been announced here until the end of October. On the 2nd of November, 1762, Mr. Montgolfier issued a proclamation of joy, written in his most pompous style (he used no other), and said that the child would be mentioned in the public prayers already prescribed in honour of the royal family.

On the 31st of December, Mr. Briand wrote to Governor Murray that the form approved by the King would be followed by: "For Charlotte, our most gentle Queen, their Royal Highnesses, George, Prince of Wales, the Dowager Princess of Wales and all the royal family."

A very interesting report made by General Murray on the 5th June, 1762, contains the following observations in response to an enquiry from the Secretary of State as to the mode least burdensome and most acceptable to the colony that can be adopted for raising the additional supplies required by the civil and military establishment owing to the proposed scheme of administration:—

"The duty on liquids will ever bring in a considerable sum, for though the Canadians in general are not much given to drunkenness, yet men, women and children are accustomed to drink a certain quantity of strong liquors, the severity of the climate having probably introduced this practice. By the great improvement likely to be made in the fisheries, the consumption of these will considerably increase.

"As the Canadians seem thoroughly reconciled to the use of British-made corn spirits, the consumption thereof could suffer no diminution, from a moderate duty upon the same at six pence per gallon, and that of rum or New England spirits might be raised to a shilling; this would check the importation of the latter and favour that of the former.

"As there have been few or no purchases made since we have been in possession of Canada, the people having no money and being uncertain of their fate the *lots et ventes* have produced nothing considerable; when a settlement takes place this branch of the revenue will probably receive a large increase. As probably it may be thought right not to receive the duties on dry goods, a tax upon horses might be introduced in lieu thereof; it would serve also to restrain a piece of luxury the people of this country are too apt to run into in that respect, and prove a means to encourage the breed of horned cattle, of which at present, by the unavoidable waste of war, they are very short.

"It must be observed that the lighter the burthens of taxes are laid at present upon the people, the more it will ingratiate their new masters; the

more it will enable them to repair their past losses, and the sooner they will be in a condition to contribute a proper portion to the public expenses.

“Under the pretence of a scarcity of black cattle, and before the British troops had made an impression upon the colony, horses were killed and served to the troops, probably to excuse the exorbitant charge for all kind of provisions purchased on the King’s account, for notwithstanding the waste made by two contending armies, and that the French troops lived entirely upon the country for nearly two years, we have the strongest ocular proof that there was no occasion to have recourse to this expedient, if the King’s officers had not meant it as a cloak for their knavery.

“The French paid their whole attention in this part of the world to the fur trade. They never entered heartily or with any spirit into the fisheries; most of what was done in this way was by adventurers from the ports of France. Some fish, indeed lumber and provisions, were exported to the French islands. Had this trade been opened and agriculture promoted with any degree of spirit, this branch of commerce must have become both valuable and extensive, but it was monopolized by a few, by the connivance and management of the chiefs, their sole view being to enrich themselves by every means. The interest of the State could not fail to be sacrificed upon all occasions.

“The intendant’s fixing a price upon provisions at his own will and pleasure, was liable to much abuse, for though the country was abounding with all kind of grain, yet under pretence that a large quantity was wanted for the King’s service, repeated levies were made upon the inhabitants, through every part of the province, proportionately to what it was supposed they could spare, the intendant paying such price as he pleased to set upon it, a great part of which grain was afterwards exported by his emissaries to the French Islands, and when a scarcity was apprehended, they sold the remainder to the public at an advanced price.

“The small salaries given by the French government to the civil officers in general made them neglect their duty and rack their wits to cheat and trick both King and people. This was carried to such a length that many instances may be cited of clerks and men in petty offices with yearly salaries

of only six or eight hundred francs, making for themselves in the course of three or four years fortunes of three or four hundred thousand.

“The Canadians mostly of a Norman race, are in general of a litigious disposition. The many formalities in their procedures and the multiplicity of instruments to be drawn up upon every occasion, seems to encourage this disposition. A short and well digested code, by laying aside many of these, may in a great measure serve to correct it.

“The members of the courts of justice were mostly natives of old France, and paid more attention to their own affairs than to the administration of justice. Their decisions, therefore, were not held in much respect; and, indeed, for success the parties generally depended more upon the favour and protection of the great than upon the goodness and justice of their cause. Though the Governor-General, the Bishop and the intendant were by their several offices, presidents of the council, and heretofore used to be present at their deliberations, in latter times they never honoured it with their presence, a circumstance that contributed much to the general disesteem into which this part of the judicature had fallen.

“The office of Grand Voyer, or inspector of the high roads, under proper regulations and restrictions seems to be highly necessary for the care and benefit of the interior commerce.

“The Gentry.—These are descended from the military and civil officers who have settled in the country at different times and were usually provided for in the colony troops. They are in general poor, except such as have had commands in distant posts where they usually made a fortune in three or four years. The *croix de St. Louis* quite completed their happiness. They are extremely vain and have an utter contempt for the trading part of the colony, though they made no scruple to engage in it, pretty deeply too, whenever a convenient opportunity served. They were great tyrants to their vassals who seldom met with redress, let their grievances be ever so just. This class will not relish the British government from which they can neither expect the same employments or the same *douceurs* they enjoyed under the French.

“Most of the dignified among the clergy are French, the rest Canadians who are in general of the lowest class of people. The former, no doubt, will

have great difficulty to reconcile themselves to us, but most drop off by degree. Few of the latter are very clever, however, if the ecclesiastical state was once composed entirely of natives, they would soon become easy and satisfied. Their influence over the people was and is still very great, but though we have been so short a time in the country, a difference is to be perceived, they do not submit so tamely to the yoke, and under sanction of the capitulation they every day take an opportunity to dispute the tithes with their curés. These were moved from their respective parishes at the Bishop's pleasure, who thereby always kept them in awe. It may not be perhaps improper to adopt the same method in case His Majesty should think right, for the sake of keeping them in proper subjection, to nominate them himself or by those who act under his authority.

"It is not improbable that the Jesuits warned by their late disgraces in the dominions of those potentates who seem to favour them the most, and apprehending the like or worst treatments from those they style heretics will choose to dispose of their estates and retire.* As they may possibly find some difficulties to get purchasers the government might buy their lands at an easy rate and dispose of the same to many good purposes.

"The traders of this colony under the French were either dealers in gross or retailers; the former were mostly French and the latter in general natives of this country, all of whom are deeply concerned in the letters of exchange. Many are already gone to solicit payment and few of those who have any funds of any consequence in France will remain there.

"The Canadians are formed into a militia for the better regulation of which, each parish in proportion to its extent and number of inhabitants, is divided into one, two or more companies, who have their proper officers, captains, lieutenants, ensigns, majors, aide majors, sergeants, etc., and all orders and public regulations are addressed to the captains or commanding officers, who are to see the same put in execution. From these companies detachments are formed and sent to any distance, and in 1759 and 1760 the whole were in arms for the defence of their country.

"The Peasantry.—These are a strong healthy race, plain in their dress, virtuous in their morals and temperate in their living. They are in general

*They remained in Canada. The last one of the Order died in 1800.

extremely ignorant, for the former government would never suffer a printing press in the country. Few can read or write, and all receive implicitly for truth the many arrant falsehoods and atrocious lies industriously handed among them by those who were in power. They took particular pains to persuade them that the English were worse than brutes, and that if they prevailed, the Canadians would be ruled with a rod of iron, and be exposed to every outrage. This most certainly did not a little contribute to make them so obstinate in their defence. However, ever since the conquest, I can with the greatest truth assert that the troops have lived with the inhabitants in an harmony unexampled even at home. I must here in justice to those under my command observe that in the winter which immediately followed the reduction of this province, when from the calamities of war, and a bad harvest, the inhabitants of those lower parts were exposed to all the horrors of a famine, the officers of every rank, even in the lowest, generously contributed towards alleviating the distresses of the unfortunate Canadians by a large subscription; the British merchants and traders readily and cheerfully assisted in this good work, even the poor soldiers threw in their mite and gave a day's provisions, or a day's pay in the month toward the fund. By this means a quantity of provisions was purchased and distributed with great care and assiduity to numbers of poor families, who, without this charitable support, must have inevitably perished. Such an instance of uncommon generosity towards the conquered did the highest honour to their conquerors and convinced these poor deluded people how grossly they had been imposed upon. The daily instances of lenity, the impartial justice which has been administered, so far beyond what they had formerly experienced, have so altered their opinion with regard to us, I may safely venture to affirm for this most useful order of the state, that far from having the least design to emigrate from their present habitations into any other of the French colonies, their greatest dread is lest they should meet the fate of the Acadians and be torn from their native country. Convinced that this is not to be their case and that the free exercise of their religion will be continued to them when Canada is irrevocably ceded by a peace, the people will soon become faithful and good subjects to His Majesty, and the country they inhabit within a short time prove a rich and most useful colony to Great Britain."

On the subject of the paper money, orders and letters of exchange that were due to be paid by the French Government, he made a calculation based on the knowledge at his command, and announced that at the lowest estimate they amounted to eighty million francs. I believe that the holders were divided as follows: French, thirty-eight to forty millions; Canadians, forty-two millions.

Murray valued the furs exported yearly, at the end of the French regime, at a million and a half francs, but he said that, at an earlier date, the value of these exports amounted to two or three millions.

Intendant Hocquart wrote in 1736: "All gentlemen and sons of officers wish to enter the service, which is laudable in itself, but as they are, for the most part, poor, many join the army for the sake of the pay, rather than from other motives. The Governor-General picks out the best men; it is hard to induce the others to cultivate the lands; perhaps it would be a good idea to send some of them to France, to serve in the marine there, in order to further unite the nobility with the people of the country."

A functionary of the French Government writes as follows, in 1758: "Nearly all the trading posts are 'privileged,' that is to say that those to whom they belong use them for their exclusive trade. These posts are given away, sold or leased and, in these three cases, commerce suffers equally from their administration. Those who have possession of them, commonly for three years, wish in this short space of time, to amass a large fortune; the method that they employ to accomplish this, is to sell the merchandise that they bring there at the highest possible price, and to buy the furs at the lowest possible price, even though it be necessary to intoxicate the savages in order to deceive them. . . . Canada, up to the present time, has been, so to speak, given over exclusively to a few people whom the great distance from the seat of authority has made despotic, whose only aim was to squeeze rapid wealth out of the new land with which to enjoy themselves in Europe, and whose every interest demanded that their methods be kept from investigation. The country has been despoiled, before being known. Its government is bad, or, more properly speaking, there is none. . . . It is the land of abuses, of ignorance, of prejudices, of all that is abominable in politics."

Trade was not more favoured. The merchandise exchanged for furs came in greater part from England, and the merchants were in a position to commit abuses of all sorts. Hocquart said in 1736: "England must get from Canada an even larger quantity of beaver skins than France. . . . The savages buy the articles they need at much lower prices from the English, and the English pay much higher prices for the beavers than do the French."

The policy adopted at the infancy of the colony was never changed; the habitants were called upon continually to supply the needs of the King, and they received nothing in exchange. Those who belonged to the monopoly became wealthy and returned to France. The fundamental principle was that France extort as much as possible from the colonists, leaving them only just enough to prevent them from dying of hunger. Politically, they were slaves.

Louisiana underwent the same treatment: "Monopoly and absolute rule. . . . It is evident that, if the colony did not grow and prosper it was because instead of saying to those who were sent there: 'Work for yourself,' they were told: 'Work for us.' "*"

From 1729 to 1759, forty-five seigneuries were granted. A wise government would have thought of colonizing these lands in a manner tending to foster the growth of a large population, attached to their new country. Instead of this they were contented with titles to land, on paper.

M. Edme Rameau de Saint-Père wrote, in 1860: "The loss of Canada is due solely to the negligence of the French government and to the pernicious policy adopted by it in its colonies, as well as in the metropolis. To wish to be all-powerful, in order to have the right to be supremely careless—this seems to have been the motto of the French Government. It is the irritating policy of an all-powerful government, obstinately persisting in ruling in all things and unable to do anything, that is the real cause of the loss of nearly all the French colonies . . . it is to this that is due the overwhelming supremacy of the English colonies. This is the cause of their triumph and of our ruin."

On this subject we might fill a volume with quotations. Let us close

*Charles Gayarré: *History of Louisiana*, I., 159.

with the following one: "The secret of the prosperity of the English settlements, is none other than liberty. It is with surprise that one compares the progress made by New England, with the state of stagnation to be found in New France. While the English colonies were enjoying municipal government and trial by jury, the French colonists knew only martial rule and were even submitted to the rack, of unhappy memory. While the English colonists enjoyed a free press, the French colonists were living in complete ignorance, and did not know how to read. After near two centuries New France had been able to furnish only one learned man, Cugnet, and, even then, the King of France had to be entreated time upon time to allow him to enter the 'Conseil Supérieur' before he was admitted, when he was given, at first, only the position of assessor. It is not astonishing that Cugnet accepted the new régime with joy, because through it he foresaw a brighter and happier future for his country. Cugnet had only to glance at New England, marching ahead with giant strides and preparing to become a great country, to be convinced that the two centuries of French rule had produced in his country nothing but slavery and ignorance.'"

*Doutre: *Le Droit Civil*, Montreal, 1872, page 309.

CHAPTER XI.

William Pitt and Canada—British policy towards Canada, 1760-1763—The Treaty of Paris, 1763—Paper money—The treaty known in Canada—How the proclamation of October 7th, 1763, was prepared—Creation of the Province of Quebec—The project of a Legislative Assembly approved by the Crown, but no further action taken.

“One name has been barely mentioned, either by the organizers in Canada or by the committee in London, in connection with Quebec,* and that is a name in some ways the most glorious and the most important of all. Great as our debt is to Wolfe and to Saunders, to Murray and to Amherst, for the conquest of Canada, it must not be forgotten that the man who alone planned it all, who chose these men and inspired them with his own high courage and sense of England’s glory, was the great minister who shattered his health in the stupendous task. This is the 200th anniversary of the greater Pitt’s birthday, and it would certainly not be unfitting that it should be signalized by associating his name prominently with festivities in that part of the Empire which we owe to him at least as much as to any other single man. In the words of Macaulay, ‘The ardour of his soul had set the whole kingdom on fire. It inflamed every soldier who dragged the cannon up the heights of Quebec. . . .’ Nor was that all. He planned the campaigns himself, and saw that no details in armament or equipment should be wanting for lack of forethought. It is to be hoped that it is not yet too late to associate with this noteworthy celebration the name of ‘Pitt who knew,’ to quote from a recent letter of Mr. Kipling’s from Quebec. But, apart from that, there should be sufficient temptation for all in this country who have at heart the glory of our lands to contribute according to their means to the birthday gift for our eldest daughter Dominion, by honouring the names of Montcalm, the chivalrous leader of a forlorn hope,

*Tri-centenary celebration of the foundation of Quebec.

and Wolfe, the active, resolute, and preserving hero, whose genius saw all, staked all, and won all.”*

Pitt had resigned office in the autumn of 1762, after the first negotiations for peace with France. His high sense of authority, his uprightness, his repugnance to party doings had caused him to be somewhat antagonistic to his colleagues. It is to his administration that we owed the state of affairs existing in Canada from 1760 to 1764, as well as to his lieutenants, Amherst, Murray, Gage, Burton, who interpreted his intentions and gave them practical shape. Amherst corresponded directly with Pitt. The governors of the three towns consulted by letters with Amherst, he having his residence in other British colonies. The Imperial authorities did nothing, and left the new conquest in the hands of these four men of merit, who were quite able to manage it. We must here give them their due, since history has kept them in the dark, so to speak.

The ministerial combinations or complications which followed the withdrawal of Pitt were, and are still so mysterious that it is impossible to impute to any particular member of the cabinet the direction of the affairs in Great Britain and the colonies, until April, 1766, when the great minister re-appeared under the name of Lord Chatham, but failed to operate any reform in the administration and retired again disgusted with the public service (December, 1767). He had constantly raised his voice and used his influence against colonial taxation, following the maxim that, he who is called to meet an expenditure must be called also to vote it. One of his most notable decisions was when he recalled a large portion of the troops in Canada, only four or five months after the capitulation of Montreal, expressing thereby his deep confidence in the word of the Canadians.

The administration was generous, but still remained British. It did not signify much whether the new subjects spoke French or English; the main object was to bring them to a sense of British institutions, and consequently, moderation, a soft tone, even complaisance were the methods required to gain their hearts. This calculation would have been thoroughly successful had not a certain class of men worked in opposition to it after a few years, but it had a good and durable effect nevertheless.

**The Times*, London, April 22nd, 1908.

British interests required a moral conquest to crown the first triumph. The policy adopted was that of conciliation and *entente cordiale*. This was rather a novel way of dealing with a conquered people. Honour given to whom it is due.

Besides, men in high position could discern the accumulation of clouds in the neighbouring colonies, and that perhaps Canada might become a fit and safe place for the British flag before long. Any way the new system was found more agreeable than the Canadians had expected at the hand of the conquerors.

The whole of the year 1762 was occupied by exchange of preliminary (secret) explanations between the court of St. James and Versailles, not to say much about the ministry in London, where men succeeded each other like moving pictures. On the 2nd day of November, at Fontainebleau, were signed the first official documents concerning a treaty of peace to be prepared soon after, but, considering that nearly all Europe and about twenty colonies had to be dealt with on that occasion, it is no wonder that the final instrument could not be ready for signature before the 10th of February next. The ratification was made by England and France on the 10th of March, and the whole promulgated in London ten days later. It became public in Montreal the 17th May and at Three Rivers on the 21st of the same month.

This diplomatic document is very long because it covers all kind of interests, matters of commerce and territories over the world. The share of Canada is embodied in article IV. which reads as follows:—

“IV. His most Christian Majesty renounces all pretensions which he has heretofore formed or might have formed to Nova Scotia or Acadia in all its parts, and guarantees the whole of it, and with all its dependencies, to the King of Great Britain; moreover, his most Christian Majesty cedes and guarantees to his said Britannic Majesty, in full right, Canada, with all its dependencies, as well as the Island of Cape Breton, and all the other islands and coasts in the gulf and river St. Lawrence, and in general, everything that depends on the said countries, lands, islands, and coasts, with the sovereignty, property, possession, and all rights acquired by treaty, or otherwise, which the most Christian King and the Crown of France have

had till now over the said countries, lands, islands, places, coasts, and their inhabitants, so that the most Christian King cedes and makes over the whole to the said King, and to the Crown of Great Britain, and that in the most ample manner and form, without restriction, and without any liberty to depart from the said cession, and guaranty under any pretence, or to disturb Great Britain in the possessions above mentioned. His Britannic Majesty, on his side, agrees to grant the liberty of the Catholic religion to the inhabitants of Canada; he will, in consequence, give the most precise and most effectual orders, that his new Roman Catholic subjects may profess the worship of their religion according to the rites of the Romish church, as far as the laws of Great Britain permit. His Britannic Majesty further agrees, that the French inhabitants, or others who had been subjects of the most Christian King in Canada, may retire with all safety and freedom wherever they shall think proper, and may sell their estates, provided it be to the subjects of His Britannic Majesty, and bring away their effects as well as their persons, without being restrained in their emigration, under any pretence whatsoever, except that of debts or of criminal prosecutions. The term limited for this emigration shall be fixed to the space of eighteen months, to be computed from the day of the exchange of the ratification of the present treaty."

Article VI. covers the cession by the King of Great Britain to the King of France, of the islands of St. Pierre and Miquelon, to serve as a shelter to the French fishermen; and his most Christian Majesty engages not to fortify these islands, to erect no buildings upon them except those necessary for the conveniency of the fishery, and to keep upon them a guard of fifty men only for police protection.

At the request of the British representative an addition was made to article IV. in the form of a promise by the King of France to redeem the card money and bills of exchange delivered to the Canadians on account of supplies furnished to the French troops, etc., during the war or at any other time. By the end of May next, Murray, Gage and Haldimand ordered the captains of militia to enquire into that matter and make an inventory of the sums of such paper to be found in each locality. This investi-

gation occupied three or four months. Other researches were made the following year. Placards and advertisements were put everywhere in the province to acquaint the public with this situation. Carleton issued a proclamation warning the owners of card money against speculators who were trying to buy it up at low figures.

On the 22nd March, 1763, Vicar-General Perreault issued instructions to the clergy of the district of Three Rivers directing a solemn *Te Deum* to be sung, and earnestly exhorting them to loyalty and fidelity towards George III., "who considers you as his own children . . . and who has obtained from the French court the promise of a settlement for your card money." In Quebec, Grand-Vicar Briand made a recapitulation of the acts of the authorities for the previous three years and praised their moderation, exact justice, generous sentiments, kindness for the poor and afflicted people, rigid discipline in the army, etc. He adds that the vexations, pillages and onerous contributions which generally follow the conqueror are not known to the Canadians, thanks to the "noble masters who are more anxious to relieve our pains than to impose new burthen upon us." In Montreal, M. Montgolfier, on behalf of St. Sulpice seminary, made a warm appeal to his flock, stating that they were happy under the present government. "You may expect that the King who has treated you so well in the past will continue in the future, therefore forget the misfortunes brought by the war and dry your tears for better days are coming."

In a letter addressed to the Lords of Trade under date of May 5th, 1763, Lord Egremont, writing by the King's direction, asked: What government should be established in the conquered colony, and what were the privileges of the Canadians that were reserved to them by the capitulation, and what part of the former French government should be retained? The reply of the Lords of Trade (June 8th) proposed the establishment of three new provinces, extending to Florida and the Mississippi. Quebec or Canada was to be bounded as follows: "On the south-east by the high lands which range across the continent from Cap Rosier in the Gulf of St. Lawrence to that point of Lake Champlain above St. John's, which is in latitude 45 degrees north; which high lands separate the heads of the rivers which run into the great River St. Lawrence from the heads of those which fall into

the Atlantic Ocean or Bay of Fundy. On the north-west by a line drawn south from the River St. John in Labrador by the heads of these rivers which fall into the River St. Lawrence as far as the east end of Lake Nipissing upon the Ottawa River. On the south-west by a line drawn due west to the River St. Lawrence from that point on Lake Champlain, which is directly opposite to where the south line falls in and so cross the said River St. Lawrence, and pursuing a north-west course along the heights where the rivers rise, that fall into the Ottawa River, to be continued to the east end of Nipissing Lake, where the north line terminates." The Lords of Trade added the following explanations:—

"The advantage resulting from this restriction of the colony of Canada will be that of preventing by proper and natural boundaries, as well the ancient French inhabitants as others from removing and settling in remote places, where they neither could be so conveniently made amenable to the jurisdiction of any colony nor made subservient to the interests of the trade and commerce of this kingdom by an easy communication with and vicinity to the great River St. Lawrence. And this division by the heights of lands to the south of the River St. Lawrence will, on the one hand, leave all your Majesty's new French subjects under such government as your Majesty shall think proper to continue to them. On the other hand, the re-annexing to Nova Scotia all that track of land from Cap Rosier along the Gulf of St. Lawrence with the whole coast of the Bay of Fundy to River Penobscot, or to River St. Croix, will be attended with this peculiar advantage, of leaving so extensive a line of sea coast to be settled by British subjects; and all the new settlers upon this track of land will, with greater facility, be made amenable to the jurisdiction of Nova Scotia than to that of Canada. And upon the same principle, it will likewise be necessary to re-annex the Islands of Cape Breton and St. John's to the government of Nova Scotia.

"It is obvious that the new government of Canada, thus bounded, will, according to the report of Generals Gage, Murray and Burton, contain within it a very great number of French inhabitants and settlements, and that the number of such inhabitants must greatly exceed, for a very long period of time, that of your Majesty's British or other subjects who may

attempt settlements, even supposing the utmost efforts of industry on their part either in making new settlements, by clearing of lands, or purchasing old ones from the ancient inhabitants, from which circumstances it appears to us that the chief objects of any new form of government to be erected in that country ought to be to secure the ancient inhabitants in all the titles, rights and privileges granted to them by treaty, and to increase as much as possible the number of British and other new Protestant settlers, which objects we apprehend will be best obtained by the appointment of a governor and council under your Majesty's immediate commission and instructions.

"With respect to the form of each of these governments (Quebec, Florida, Grenada) we are of opinion that in regard to their being infant settlements, the most suitable will be that of a governor and council, by your Majesty's commission, with instructions adapted to the most quick and speedy settlement of these countries.

"Canada was, under the French, divided into three governments of Quebec, Montreal and Trois-Rivières, but the residence of the chief governor was at Quebec, and the two other governments had each a lieutenant-governor only, subordinate to the governor-in-chief, and we should humbly propose that the same method be continued under the new government; not only as by this means the administration of justice and of commerce will be less embarrassed, but that a less proportion of military force will be requisite to be maintained and be more easily applicable against all external or internal disturbances."*

With regard to the mode of revenue least burthensome and most palatable to the colonies, the Lords of Trade could express no opinion for want of information. This important document is signed: Shelburne, Soame Jenyns, Ed. Eliot, Ed. Bacon, John Yorke, George Rice, Orwell, and Bamber Gascoyne.

Egremont to the Lords of Trade, July 14th, 1763: "The King is of opinion that, in the commission for the governor of Canada, all the lakes, viz.: Ontario, Erie, Huron, Michigan and Superior, should be included, with

*For the period of 1760-1790, consult the valuable volume of the Canadian Archives, published in 1906.

all the country, as far north and west as the limits of the Hudson's Bay Company, and the Mississippi." To this the answer of the Lords of Trade was: "First. We are apprehensive that, should this country be annexed to the government of Canada, a colour might be taken on some future occasion, for supposing that your Majesty's title to it had taken its rise singly from the cessions by France, in the late treaty, whereas your Majesty's title to the lakes and circumjacent territory, as well as to the sovereignty over the Indian tribes, particularly of the Six Nations, rests on a more solid and even a more equitable foundation;* and perhaps nothing is more necessary than that just impression on this subject should be carefully preserved in the minds of the Indians, whose ideas might be blended and confounded, if they should be brought to consider themselves as under the government of Canada. Second. We are apprehensive as the whole of this country would become subject to the laws of a particular government or province, it would give that province such superior advantage in respect to the whole of the Indian trade, which your Majesty in your justice and wisdom has determined to leave as open as possible, to all your subjects, as might control and obstruct it to the prejudice of your other colonies. Third. If this great country should be annexed to the government of Canada, we are apprehensive that the powers of such government could not be carried properly into execution, either in respect to the Indians or British traders, unless by means of the garrisons at the different posts and forts in that country, which must contain the greatest part of your Majesty's American forces and, consequently, the governor of Canada would become virtually commander-in-chief or constant and inextricable disputes would arise between him and the commanding officers of your Majesty's troops."

The first news of the war, which has been called the "Conspiracy of Pontiac," reached London about 1st August, 1763, and the question of Indian reserves throughout the east half of North America became immediately the main point in the draft of the intended royal proclamation. Let us take notice also of another question which must have had its influence in the framing of the proclamation then in the state of a simple draft:—

*What is now called the Province of Ontario was never in the possession of the British before 1759.

In a letter from Lord Egremont to Governor Murray, dated August 13th, he says: "His Majesty thinks it very material that you should be appraised that he has received intelligence which gives some reason to suspect that the French may be disposed to avail themselves of the liberty of the Catholic religion, granted to the inhabitants of Canada, to preserve such an influence over the Canadians as may induce them to join, whenever opportunity should offer, in any attempts to recover that country. It, therefore, becomes of the utmost consequence to watch the priests very narrowly and to remove, as soon as possible, any of them who shall attempt to go out of their sphere, and who shall busy themselves in any civil matters—for though the King has in the 4th article of the definitive treaty 'agreed to grant the liberty of the Catholic religion to the inhabitants of Canada,' and though His Majesty is far from entertaining the most distant thought of restraining his new Roman Catholic subjects from professing the worship of their religion according to the rites of the Romish Church, yet the condition expressed in the same article must always be remembered, viz.: 'As far as the laws of Great Britain permit,' which laws prohibit absolutely all popish hierarchy in any of the dominions belonging to the Crown of Great Britain, and can only admit of a toleration of the exercise of that religion. This matter was clearly understood in the negotiation of the definitive treaty. The French ministers proposed to insert the words *comme ci-devant*, in order that the Romish religion should continue to be exercised in the same manner as under their government, and they did not give up the point till they were plainly told that it would be deceiving them to admit those words, for the King had not the power to tolerate that religion in any other manner than 'as far as the laws of Great Britain permit.' These laws must be your guide in any disputes that may arise on this subject. But at the same time that I point out to you the necessity of adhering to them and of attending with the utmost vigilance to the behaviour of the priests, the King relies on your acting with all proper caution and prudence in regard to a matter of so delicate a nature." The same order is embodied in the instructions given to Murray a few months later (paragraph 28).

The sudden death of Lord Egremont on August 21st and the consequent negotiations concerning the re-adjustment of the ministry, postponed

the answer to the above communication of the Board of Trade. Shelburne resigned his seat. His successor, Lord Hillsborough, was in Ireland when appointed. He had had no previous experience in colonial matters, whilst Shelburne is said to have studied and mastered the subject better than any of the ministers of those days. The postponed answer came on the 19th September in these terms:—

“His Majesty is pleased to lay aside the idea of including within the government of Canada, or of any established colony, the lands which are to be reserved, for the present, for the use of the Indians. . . . His Majesty thinks proper to direct that the government of Canada be described in the commission of the governor, as comprehending all such part of Canada on the north side of the River St. Lawrence, and all such parts of His Majesty’s ancient colonies of Nova Scotia, New England and New York, on the south side of the said river, as lie within the limits above mentioned, and that it be called the Province of Quebec.”

On the 4th October, Hillsborough brings a new scheme to be inserted in the coming proclamation: “We beg leave to add, that as it appears to us, upon a revision of the report of the Board of the 8th of June last, that it will be expedient for His Majesty’s service and give confidence and encouragement to such persons as are inclined to become settlers in the new colonies, that an immediate and public declaration should be made of the intended permanent constitution and that the power of calling assemblies should be inserted in the first commission, we have therefore drawn the proclamation agreeable to this opinion and have prepared the commissions accordingly.” The letter is signed also by Ed. Bacon, John Yorke and Orwell; it accompanied the draft of the proclamation, which was executed on the 7th of same month. The first article of it reads as follows: “The government of Quebec bounded on the Labrador coast by the River St. John, and from thence by a line drawn from the head of that river through the Lake St. John, to the south end of Lake Nipissing; from whence the said line, crossing the River St. Lawrence, and the Lake Champlain, in 45 degrees of north latitude, passes along the high lands which divide the rivers that empty themselves into the said River St. Lawrence from those which fall into the sea; and also along the north coast of the Baye des

Chaleurs, and the coast of the Gulf of St. Lawrence to Cape Rosier, and from thence crossing the mouth of the River St. Lawrence by the west end of the Island of Anticosti, terminates at the aforesaid River of St. John."

The boundaries of the Province of Quebec were such as to segregate the principal settlements of the French, so that their institutions might be respected, for it was thought that generations must pass before there would be a sufficient immigration of English-speaking settlers to change the existing conditions, and this was really the fact. The reverse may be said of the situation in the Floridas. Here the French and Spanish population was small, and it was expected that the settlers would either cross the Mississippi in order to live on what was supposed to be still French soil, or else to the Spanish Islands, so that it might reasonably be hoped that this region would soon be populated only with settlers from the older English colonies and Great Britain.

The King declares that he has "given express power and direction to our governors of said colonies (Quebec, East Florida, West Florida, Grenada) respectively, that so soon as the state and circumstances of the said colonies will admit thereof, they shall, with the advice and consent of the members of our council, summon and call general assemblies within the said governments respectively, in such manner and form as is used and directed in those colonies and provinces in America which are under our immediate government; and we have also given power to the said governors, with the consent of our said councils, and the representatives of the people so to be summoned as aforesaid, to make, constitute, and ordain laws, statutes, and ordinances for the public peace, welfare and good government of our said colonies, and of the people and inhabitants thereof, as near as may be agreeable to the laws of England, and under such regulations and restrictions as are used in other colonies; and in the meantime, and until such assemblies can be called as aforesaid, all persons inhabiting in or resorting to our said colonies may confide in our royal protection for the enjoyment of the benefit of the laws of our realm of England; for which purpose we have given power under our great seal to the governors of our said colonies respectively to erect and constitute, with the advice of our said councils respectively, courts of judicature and public justice within our

said colonies for hearing and determining all causes, as well criminal as civil, according to law and equity, and as near as may be agreeable to the laws of England, with liberty to all persons who may think themselves aggrieved by the sentences of such courts, in all civil cases, to appeal, under the usual limitations and restrictions, to us in our Privy Council."

The other paragraphs relate to grant of land, the Indians, Hudson's Bay, etc. The proclamation covers all the countries recently acquired by England, including Canada. Whatever is stipulated therein applies equally to the Province of Quebec. A legislative assembly for Grenada and the two Floridas was out of question for the moment, because of the few white settlers to be found there, but Canada offered quite another aspect; nevertheless, Murray did not constitute such a house. Was it that the inhabitants had no practical knowledge of a municipal administration and less understanding of a representative government? Very likely. It remained for him, therefore, to name a council, and this he did, but not earlier than eight or nine months after the receipt of the proclamation.

During that interval he received the King's instructions, signed December 7th, by George alone, a fact which rendered this document useless. It is therein prescribed that the council will be composed of the lieutenant-governors of Montreal and Three Rivers, the chief justice of the province, the inspector of customs in North America, and eight persons nominated by Murray, to be selected among the most important inhabitants—quorum limited to five councillors. All public functionaries under salary of any kind were to take the oath of fidelity and sign a declaration against popery. No ecclesiastical jurisdiction connected with Rome or any foreign power could be admitted into the province. These innovations, directed by the King alone, could have no force of law, but Murray acted upon them as if they were edicted by Parliament and many believed in their legality.

Clause 82 of these instructions deserves to be quoted in full: "You shall summon and call a general assembly of the freeholders . . . but as it may be impracticable, for the present, to form such an establishment, you are in the meantime to make such rules and regulations, by the advice of our said (Canadian) council, as shall appear to be necessary for the peace, order and good government of our said province, taking care that

nothing be passed or done, that shall in any ways tend to affect the life, limb or liberty of the subject, or to the imposing any duties or taxes."

At the same time a commission is addressed to Murray by the Privy Council, with the signature of the King, which is more regular. It directed the oath of supremacy or abjuration of the authority of the Pope, a declaration against transsubstantiation, the oath of fidelity, etc., so that no Canadian could be expected to accept a seat in the council. The commission empowered Murray to make laws with the aid of his council, "which said laws and ordinances are not to be repugnant, but as near as may be agreeable, to the laws and statutes of this our kingdom of Great Britain."

All these documents must have reached Governor Murray, *via* New York, about 1st February, 1764. He did not publish them immediately—perhaps on account of what was then going on in the West.

What is known of the origin of the proclamation, commission, and instructions above referred to, furnish sufficient proof to warrant the conclusion that the consequences of such legislation were neither anticipated nor wished by their authors.

CHAPTER XII.

First council appointed, 1764—The war of Pontiac—American agitation—Introduction of English laws—The Stamp Act, 1765—Card money repudiated by France—Emigration to France—Who were the Canadians—What kind of people remained in Canada.

General Gage leaving the government of Montreal in the hands of General Burton, 15th October, 1763, addressed his thanks and compliments to the officers of the militia on the manner they had acted during the last three years.

The commission of General Murray as governor-in-chief was promulgated on the 10th of August, 1764. This put an end to the military government. The first step of Murray after that was to appoint a council composed of Chief Justice William Gregory, Lieutenant-Colonel Paul Æmilius Irving, Hector Theophilus Cramahé, Walter Murray, Samuel Holland, Thomas Dunn, Adam Mabane and François Mounier. The last mentioned was a Protestant Swiss. No Canadians were admitted because of the clause in the proclamation, etc., concerning the oath against the Pope.

The *Quebec Gazette*, in English and French, published its first number on the 21st of June.

The principal subject of public attention that summer was the war of Pontiac, the most formidable Indian in all the history of Canada. From the attack on Detroit, 9th May, 1763, to July, 1766, the posts on the Great Lakes were the scenes of numerous bloody encounters conducted on the part of the aborigines with a dexterity and persistence quite uncommon with them at any time before. The reduction of the troops rendered the situation of Colonel Bouquet precarious. Under such circumstances, Murray called out the militia (March, 1764), and formed a battalion that did good work in the field. There is no doubt that Pontiac wanted to conquer the Indian territories and prevent the English from occupying them, not thinking that the Canadians would oppose him in that enterprise.

The "old colonies" had fully made up their mind that Canada would join with them in opposing some of the measures of the Imperial authorities, especially in matters of taxation. This became an open question during the war of Pontiac, but no such good feeling existed between the Bostonians and the Canadians as there was on the other side with the British government, and the American emissaries enlisted only a few English-speaking individuals in support of their cause.

By an ordinance of the 17th September, 1764, the governor and council introduced the civil and criminal laws of England into the colony, created a superior court of judicature or Court of King's Bench, and prescribed the adoption of such laws in future. This was by far the worst thing that had been done since the conquest, and it grieved the Canadians more than the threat of the Stamp Act did the Americans. Some writers affirm that the abolition of the French laws had been prescribed by George III. in his letter of October 7th, 1763, but no such intention is to be found therein. The laws of a conquered country remain in force until they have been changed by a parliament, either imperial or provincial; the Crown alone is unable to effect such a change. The King had only expressed the desire that whatever laws and ordinances be passed by the council of Quebec afterwards, be in accordance with or as near as possible to the English laws. In stretching the sense of that document and interpreting the tenure of it so as to reach their conclusions, the governor and council acted illegally and we are surprised to see that no judge perceived: First, that the sovereign is not the only legislator; second, that the King had not prescribed such a change; and, third, that the provincial legislature was incomplete in the absence of a house of assembly. It is true, also, that Murray and the council could make laws provided they shall in "any way tend to affect the life, limb or liberty of the subject, or to the imposing any duties or taxes," but there was all that in the imported laws.

The Canadians had already commenced to abandon many false impressions entertained before the conquest against the British, when that unfortunate step came to revive them.

The suspicions which, later on, animated the Canadians were due to this mistake of Murray.

In transmitting copy of the ordinance to the home authorities, Murray furnished his explanation upon the clause which prescribes that "in all trials in the courts, all His Majesty's subjects in the colony are to be admitted on juries without distinction," and he says: "As there are but two hundred Protestant subjects in the province, the greater part of which are disbanded soldiers of little property and mean capacity, it is thought unjust to exclude the new Roman Catholic subjects to sit upon juries, as such exclusion would constitute the said two hundred Protestants perpetual judges of the lives and property of not only eighty thousand of new subjects, but likewise of all the military in the province; besides if the Canadians are not to be admitted on juries, many will emigrate. This ordinance for the establishment of courts of judicature, etc., is therefore no more than a temporary expedient to keep things as they are until His Majesty's pleasure is known on this critical and difficult point."

The ordinance to be valid had to be approved by the King in Council or by Parliament. No such authority ever endorsed it.

The presentments of the grand jury of Quebec, on the 16th October, 1764, embodied several observations and complaints on the part of the Protestant members of that corps and some others from the Catholic members, all of which became the subject of the King's consideration in due time.

"Little, very little," says Murray in a letter dated 29th October, 1764, "will content the new subjects, but nothing will satisfy the licentious fanatics trading here, but the expulsion of the Canadians who are perhaps the bravest and the best race upon the globe, a race who, could they be indulged with a few privileges which the laws of England deny to Roman Catholics at home, would soon get the better of every national antipathy to their conquerors and become the most faithful and most useful set of men in this American Empire."

The Canadians looked rather to the preservation of their laws and institutions, their civil and social rights, than to any matters of a political nature. Self-government, politics, legislation were quite out of their sphere and beyond their aspiration. The government of a single individual, or governor aided by a council or a certain number of advisers, was perfectly

intelligible to them, and such as they had been accustomed to, and, if honest and upright, all they desired.

Hearing of the dissatisfaction brought on by the publication of the ordinance, Lord Mansfield wrote: "Is it possible that we have abolished their laws, customs and forms of judicature all at once? a thing never to be attempted or wished. The history of the world does not furnish an instance of so rash and unjust an act by any conqueror whatsoever; much less by the Crown of England, which has always left to the conquered their own laws and usages, with a change only so far as the sovereignty was concerned."

Let us see now what Lord Hillsborough said (6th March, 1768), on that subject: "I had the honour to serve His Majesty at the Board of Trade in the year 1763, when His Majesty was pleased to publish his royal proclamation relative to the new colonies, and, whatever the legal sense conveyed by the words of that proclamation may be, I certainly know what was the intention of those who drew the proclamation, having myself been concerned therein, and I can take upon me to aver, that it never entered into our idea to overturn the laws and customs of Canada, with regard to property, but that justice should be administered agreeably to them, according to the modes of administering justice in the courts of judicature of this kingdom, as is the case in the county of Kent, and many other parts of England, where Gavel-kind Borough English and several other particular customs prevail, although justice is administered therein according to the laws of England."

That letter has been the subject of some remarks by a modern writer who has made a special study of the proclamation of 1763. He says: "The explanation that Hillsborough offers, is too far fetched to be seriously considered. It would indeed be difficult for an English judge to interpret the *Coutume de Paris* as English law in the sense that such local customs as Gavel-kind and Borough English were accepted. If the Lords of Trade were so ignorant, the attorney general (Yorke), who examined the proclamation before its publication, could have undeceived them. The only possible explanation is that of haste and inexperience."*

*Clarence W. Alvord: *Proclamation of 1763*, p. 38.

The Board of Trade had acted on the principle that a government was required for the newly acquired country, but never imagined that such an organization was already in existence there and worked well.

The King appointing Murray governor-in-chief, thought he could absorb in his person the administration of the colony, as if he were another Louis XIV., but there was a Parliament in England.

Anxiety prevailed during the whole period of 1763-1773 as to the system of law that was finally to rule the province. Each class of subjects looked for the prevalence of that with which they were most familiar, and consequently considered the best.

“The royal proclamation of 1763 introduced a new order, something more congenial to British feelings and habits, with the double view of tranquilizing ‘the new subjects’ by the introduction of a government better suited to protect them in their civil rights and institutions than that which previously existed, and of encouraging emigration from home into His Majesty’s newly acquired dominions. All disputes from this time forward, between the new subjects concerning rights in land and real property, inheritance, succession to, and division of the same among co-heirs, continued as previous to the conquest, to be determined according to the ancient customs and civil laws of Canada, and by judges conversant with those laws, selected from among their own countrymen; and these also were the rules for decision in the like matters, between the old subjects of the King, who had emigrated hither and settled in the province. Most of these expected, however, that in all cases wherein *they* were personally concerned, civilly or criminally, the laws of England were to apply, in conformity as they read it, with His Majesty’s proclamation, imagining also that in emigrating, they carried with them the whole code of English civil and criminal laws for their protection.”*

On the 22nd March, 1765, the Stamp Act received the royal assent and took effect 1st November, same year. By this law all instruments in writing were to be executed on stamped paper, to be purchased from agents of the British government. It was repealed on 18th March of the following year.

The people of Canada and Nova Scotia submitted to the Stamp Act

*Christie: *History of Lower Canada*, I. 2.

quietly, but the older British provinces were dead against it, and it caused bitter, angry excitement, and even threats on their part.

The statesmen of England tried to make the colonies bring in money to the mother country in ways that would now be thought rather unwise. For instance, they forbade the making of certain articles in America, so that the colonists should be forced to buy from British merchants, and ordered that goods must always be carried to and from America in British ships. Besides having to obey these unfair laws, the people of New England and New York had been greatly offended by the rude and scornful bearing of the British officers who had fought in the recent war—and this last fact formed a remarkable contrast with the behaviour of the military in Canada at the same time.

Month after month, news was expected from France in regard to card money. None came. The Canadians understood finally that hope could no longer be entertained. This conviction, says Garneau, came like a thunderbolt on these poor people who hold over forty million francs of that currency. They had sacrificed their last penny for the defence of the colony and they were without resources. Those who were still in France expecting a settlement came back to resume their occupations and start afresh fighting against adversity. The Canadians felt as if they had actually lost everything in a conflagration and had to rebuild for a new start in life. No doubt, on the spur of the moment they were discouraged, but we have found no trace of such severe depression in the archives of the time. The strong temperament of the race saved them on this occasion. They were land owners and this is a very solid base for a people. Besides, the financial system adopted by the English deserved full confidence. Coins only were in circulation, instead of that contemptible scrap money of old; shops were opened freely, and there were no more of those privileged stores imposed by monopoly and special favour. The farmers were encouraged to produce as much as they could of grain, flax, etc., because there was a cash market for them. No such thing had been seen in the past. Altogether, men of energy had a prospect before their eyes, and we all know that the Canadians did not lack courage.

It is customary in our days to use the term "French Canadians" to

designate those who speak the French language, but, in 1760, until 1860, and even later, there were no "English Canadians" and, therefore, no "French Canadians" known by that name. These were plain "Canadians," as they had been during the French régime, to distinguish them from the "French" who, as a rule, would not be called "Canadians." This was so much the case that, if we desire to ascertain what part of the population returned to France at the conquest, we are safe to say, "the French only." The Canadians remained in their own country as a matter of course. The people ceded by Louis XV. were not French, but Canadians solely—the French had already gone home.

Some time about the year 1870, when Confederation exalted more than ever the name of Canada, young Englishmen, born on this soil, styled themselves "Canadians," and we must say that it created some surprise, but it gradually became popular and gained ground more rapidly than could have been expected at first. That does not deprive them of their love for the old country, and they stand like the ancient stock of Canadians proud of their origin—in the meantime true Canadians. If the language of the present French Canadians be considered as a line of demarkation between two classes of our people, it is only that, and we all know their love for France is now-a-days purely sentimental. We could not register a single vote in Canada in favour of a re-union with France. The writer will go further: at no time since 1760 could that have been possible. After 1760 the Canadians considered they had no home on the other side of the ocean, and we may say this state of mind existed among them long before that date, but then they were under French rule and their Canadianism did not amount to a great deal in the general run—except that, as Canadians, they were kept outside of the administration as much as possible.

Some writers are apt to make singular assertions. For instance, in a book recently published we read that the French who possessed means of their own removed from Canada at the conquest, and that the poor folks only remained there. Now, apart from a few privileged merchants, all those who left the country on that occasion were functionaries and military gentlemen living on their meagre salaries. Surely, the necessitous were not the Canadians, although these had been ruined by the war, but they knew

how to redeem themselves from necessity, and it is not likely that those who went back to France would have been able to do so.

The emigration here alluded to was not over four hundred individuals, all living at the expense of the public, whilst it is fair to calculate that four hundred French soldiers—nearly all men of various trades—remained in the colony and settled for good. In this interchange no doubt that Canada was the gainer.

The country people did not emigrate. The diminution took place in the higher classes, that is the French section, but the real Canadian leading families remained here.

I have perused, said the late Judge George Baby, numerous account books and other papers of those days and found that all the trades and professions necessary for a population such as it was at that time were largely represented. The departure of the emigrants did not disturb business and created no vacuum anywhere. He adds: "Four hundred families of the best class remained here, I say four hundred families having some means to live on, the most educated, the most influential never had a thought for France. They comprised one hundred and thirty seigneurs, one hundred gentlemen and bourgeois, one hundred and twenty-five merchants, twenty-five men of law, about thirty surgeons and doctors in medicine, the same number of notaries public—this was certainly sufficient to meet the requirements in political, intellectual and other cases for such a small population. They were the natural advisers of all, and their influence proved to have been beneficial throughout the most critical periods. The descendants of these families are still amongst us; many have kept their elevated position and serve the country as their forefathers have done."

In a curious letter written by Haldimand to Amherst, on the 22nd of November, 1763, he says that some Canadian officers have returned from France and that many others will soon come back, after vain attempt to obtain a settlement of their respective claims. "They complain bitterly of the treatment of the French authorities. Card money is a grievance they will soon easily forget. I am very doubtful whether any of them ordered masses for the repose of the soul of Mr. Bigot."

The Canadians who went to France in 1761 and 1762 had particular business to transact there before the end of the war and the preparation of a treaty of peace. Most of them were anxious to ascertain whether the paper money would be recognized, or if they could obtain a step in rank, or some other family arrangements. As soon as the treaty was signed and all private negotiations closed, they returned to Canada. Amongst those were: De Montenoy, de Niverville, de Montizambert, de Boucherville, Sabrevois, Hertel, Lachevrotière, de Meyer, Guy, Remont, Godefroy, de Montesson, Schindler, Daneau de Muy, Bouvet, de Bleury, Baby de Ranville, Perrault, Tarieu de Lanaudière, Duchesnay, de Lotbinière, Chorel, Dufy-Charest, Saint-Ange-Charly, de Vienne, de la Morandière, Hertel de Chambly, Levesque, Chaillé Porlier, Desauniers, Mézière, Picoté de Belestre, Vassal de Monviel, Juchereau, Hertel de Rouville, Robutel de la Noue, Margane de la Valterie, de Rocheblave, etc. They all came back disappointed on the money question. Some of them were made Knights of the Order of St. Louis.

But the main subject of interest with us is not so much the more or less successful trip of such solicitors, as to know what class of people remained here, besides the ordinary country folks. This will be readily understood after consulting the following lists compiled by the late Justice Baby.*

Seigneurs.—Joybert de Soulanges, Saveuse de Beaujeu, Chartier de Lotbinière, Lambert Dumont, Leber de Senneville, Celoron de Blainville, Le Moyne de Longueuil, Boucher de Boucherville, de Montbrun, de Laperrière, de Montarville, de Grosbois, de Lillebonne, de Montizambert, de la Bruère, de la Broquerie, de Niverville, Gautier de Varennes, de la Vérendrye, Jarret de Verchères, Boucher de Grandpré, Jarret de Beauregard, Pécaudy de Contreccœur, de Saint-Ours, Daneau de Muy, Hertel de Chambly, Jenisson, Hertel de Beaubassin, Hertel de Rouville, Dandonneau du Sablé, Margane de la Valtrie, Crevier de la Meslée, Crevier de Saint-François, Sicard de Carufel, Petit-Bruno, Le Gras de Pierreville, Panet, Denys de Saint-Simon, Damours de Clignancourt, de Courberon, d'Esmard de Lusignan, Sabrevois de Bleury, Le Gardeur de Courtemanche, Martel de Brouages, Couillard de Lespinay, Poulin de Courval, Bellecourt de Lafontaine, Migeon de la Gauchetière, Gastineau-Duplessis, Chavigny de la

**The Canadian Antiquarian*, 1899, p. 110.

Chevrotière, Jolliet, Morel de la Durantaye, Fleury d'Eschambault, Levrard, Lepage, Foucault, Perthuis, Chavoy de Noyan, de Gannes de Falaise, Cugnet de Saint-Etienne, de Couagne, Deschaillons, de Chapt, de Lacorne, de Saint-Luc, Nolant la Marque, de la Gorgendière, Gourdeau de Beaulieu, Riverin, Hamelin, Taschereau, d'Audegan, Hazeur de Lorme, Robineau de Bécancourt, Damours des Plaines, Brassard-Descheneaux, Denys de la Ronde, Denys de Vitré, d'Ailleboust d'Argenteuil, de Cerry, de Musseaux, de Périgny, de Mantet, de Cuisy, de Saint-Vilmé, de la Madeleine, Cressé, Chaussegros de Léry, de Linière, de Beaumont, Juchereau, de Salaberry, de Tonnancour, de Normanville, de Vieux-Pont, de Martigny, Bouer de Villeraye, Neveu, Tariou de Lanaudière, de Vienne, Amiot, de Gaspé, de la Cardonnière, de Lessard, Charest, Dumesnil, Cabanac, de Villedonnée, Dugué de Boisbrillant, Becquet, Berthelot, Dunière, Noyelle de Fleurimont, Mouet de Moras, de Lintot, Lemaitre-Lamorille, Saint-Ange de Bellerive, Piot de Langloiserie, du Tremblay, de Villiers-Douville, Bailly de Messein, Mariacheau d'Esglis, Belair, Bissot de la Rivière, Martel de Saint-Antoine, de Bonne de Misselle, Toupin du Sault.

Nobility.—Picoté de Belestre, d'Estimeauville, Courraud de la Coste, de Peiras, Vassal de Monviel, Duvergé de Saint-Blain, Dequindre-Douville, Rastel de Rocheblave, Charron de Lespinasse, Baby de Ranville, des Bergères, de Lesdignières, Verneuil de Lorimier, Dufrost de la Gemmerais, You d'Youville, Duclou de Celles, Levraud de Langis, Cadieu de Courval, d'Adhémar de Saint-Martin, Marchand de Ligneris, de Villars, de Landrière, Dorval des Groseilliers, de Villedonnée, Volant de Chamblain, Saint-Ange de Bellerive, Le Gardeur de Montesson, Robert de la Morandière, Ruette d'Auteuil, Drouet de Richarville, Le Fournier du Vivier, Le Gardeur de Saint-Pierre, Saint-Luc de Lacorne, Lefebvre de Bellefeuille, Robineau de Villebon, La Noue, Lenouillier de Boisclair, Duffy-Charest, Desauniers, Baby-Chenneville, Desrivères, Beaubien, Ménéclier de Monrochon, Joncaire de Chabert, Desdevans de Glandons, Chorel de Saint-Romain, Saint-Onge, Jacau de Fiedmont, Louvigny de Montigny, De Goutin, Testard de Montigny, Dejordy de Cabanac, d'Houtelas, de Niort, Aubin de l'Isle, de la Saussaye, Joncaire de Chauzonne, Desbarras, Hubert de la Croix, Gamelin-Maugras, Fromenteau de Boucherie, de Langlade, L'Ecuyer, Bonneville de Bellefleur, Lériger de la Plante, Douaire de

Bondy, Poulin de Francheville, Chatelain de Rigny, Porlier de la Groizandière, Robineau de Portneuf, Leroux d'Esneval, Moral de Saint-Quentin, Cauchon de la Verdière, de Lafrenaye, de Billy, Delisle de la Cailleterie, Mézière de l'Epervénche, de Saint-André, Du Buisson, de Tonty, de Catalogne, de la Poterie, de Montreuil, Lachapelle de Bercy, de Berthe de Chailly, de Lamarre, Miville-Deschênes, Poulin de Courval, Lecomte-Dupré, Peuvret et Menu, Forestier du Longpré, Gaillard de Saint-Sauveur, etc.

Merchants in Montreal.—Guy, Blondeau, Le Pellé-Lahaye, Dequindre, Perthuis, Nivard de Saint-Dizier, Hervieux frères, Gaucher-Gamelin, Giasson, Moquin, Saint-Sauveur, Pothier, Lemoine de Monnière, de Martigny, Desauniers, de Couagne, Mailhot, Saint-Ange-Charly, Dumas, Magnan, Métivier, Lamy, Bruyères, Chaboillez, Fortier, Lefèbvre du Chouquet, Courteau, Vallée, Cazeau, Charly, Carignan, Auger Porlier, Pommereau, Larecque, Dumenion, Roy-Portelance, De Vicne, de Monforton, Sanguinet, Campeau, Laframboise, Vauquier, Guillemain, Curot, Dufau, Campion, Lafontaine, Truillier-Lacombe, Périneault, Orillac, Léveillé, Bourassa, Pillet, Hurtubise, Leduc, Monbrun, Landrien, Mézière, Hubert, Tabeau, Sombrun, Marchesseau, Avrard, Lasselle, Dumas-Saint-Martin, Desrivères, Réaume, Nolin, Chaboillez (Pierre), Cotté, Saint-Germain, Ducalvet, Léchelle, Beaumont.

Merchants in Quebec.—Cureu, Papin, Comte, Desroches, Boisseau, Philibert, Taché, Pacaud, Dunière, Basançon, Frémont, Laforce, Levesque, Fleurimont, Brissot, Perreault, Lemoine des Pins, Marcoux, Bourassa, Charest, Dunière, Basin, Cherrier, Voyer, Larcher, Bernard, Forestier, Séguin, Sombrun, Perreault, Morin, Guichaud, Charlery, Trottier, Riverin, Dumont, Hiché, Lamorille, Marchand.

Merchants in Three Rivers.—Pélissier, Perrault, Jacquin, Dufau, Perroy, Beaucin.

Men learned in law.—Taschereau, Gaillard, Belcourt, Juchereau, Mézière, Saillant, Girouard, Moreau, Lepailleur, Hodienne, de Coste, father and son, Louet, Bonneau, Porlier-Benac, Hubert, Cugnet, Panet, Deschenaux, Lamorille, Sanguinet, Badeaux, Pinguet, Berthelot, Foucher, etc.

Medical men.—Benoist, Badelard, Jobert, Soupiraux, Gervats-Beaudoin, Destrampes, Birault, Fonblanche, Hubert de la Croix, Lajus, Lérigault, de Bonne, etc.

CHAPTER XIII.

Chief Justice and Attorney-General replaced, 1766—Report of King's Attorney Yorke upon the administration of the colony—Petition of the Quebec traders—Murray succeeded by Carleton—Report of Mascres—Attitude of the Council towards Carleton—Bishop Briand—Petitions of the seigneurs of Montreal and Quebec districts on the situation of the Canadians, 1766.

By a notification of the Secretary of State dated February 5th, 1766, and a further communication of March 6th following, Chief Justice Gregory was replaced by William Hey, and George Suckling, Attorney-General, by Francis Mascres. Governor Murray reported concerning Gregory and Suckling: "Our chief judge and the Attorney-General are both entirely ignorant of the language of the natives, are needy in their circumstances, and though perhaps good lawyers and men of integrity, are ignorant of the world, consequently readier to puzzle and create difficulties than remove them."

In a report dated April 14th, 1766, signed by Yorke, Attorney and Solicitor-General, relative to the civil government of Quebec, and addressed to the Lords of the Committee of Council for Plantation Affairs, we read: "It is evident that two very principal sources of the disorders in the province have been: First, the attempt to carry on the administration of justice without the aid of the natives, not merely in new forms, but totally in an unknown tongue, by which means the parties understood nothing of what was pleaded or determined, having neither Canadian advocates or solicitors to conduct their causes, nor Canadian jurors to give verdicts, even in causes between Canadians only, nor judges conversant in the French language to declare the law and to pronounce judgment. This must cause the real mischiefs of ignorance, oppression and corruption, or else what is almost equal in government to the mischiefs themselves, the suspicion and impu-

tation of them. Second. The second and great source of disorder was the alarm taken at the construction put upon His Majesty's proclamation of October 7th, 1763, as if it were his royal intention by his judges and officers in that country, at once to abolish all the usages and customs of Canada, with the rough hand of a conqueror rather than with the true spirit of a lawful sovereign, and not so much to extend the protection and benefit of his English laws to his new subjects, by securing their lives, liberties and properties with more certainty than in former times, as to impose new, unnecessary and arbitrary rules, especially in the titles to land, and in the mode of descent, alienation and settlement, which tend to confound and subvert rights, instead of supporting them." Then follows several propositions intended to set matters on a better footing, and he adds: "This certainty and this lenity are the benefits intended by His Majesty's royal proclamation, so far as concern judicature. These are irrevocably granted and ought to be secured to his Canadian subjects, according to his royal word. For this purpose, it may not be improper, upon the appointment of a new governor, with a new commission revised and considered by Your Lordships, to direct that governor to publish an explanatory proclamation in the province, to quiet the minds of the people as to the true meaning of the royal proclamation of October, 1763, in respect to their local customs and usages, more especially in titles of land and cases of real property." In this document the solicitor-general manages to show how to correct the bad feeling created by the actions of the sovereign and the governor, but the withdrawal of the latter becomes a necessity in order to appoint some one with "a new commission revised by the Lords of the Plantation Committee." Another passage is also remarkable: "There is not a maxim of the common law more certain than that a conquered people retain their ancient customs till the conqueror shall declare new laws. To change at once the laws and manners of a settled country must be attended with hardship and violence; and, therefore, wise conquerors having provided for the security of their dominion, proceed gently and indulge their conquered subjects in all local customs which are in their own nature indifferent, and which have been received as rules of property or have obtained the force of laws. It is the more material that this policy be pursued in Canada,

because it is a great and ancient colony long settled and much cultivated by French subjects, who now inhabit it to the number of eighty or one hundred thousand. Therefore, we are humbly of opinion that the judges to be employed by His Majesty in this province will answer all the ends of their trust, both as to the King and to the people."

The petition of the Quebec traders against General Murray contains the following complaints: "The Governor instead of acting agreeably to that confidence reposed in him by Your Majesty in giving a favourable reception to those of Your Majesty's subjects who petition and apply to him on such important occasions as require it, doth frequently treat them with anger and a rudeness of language and demeanour as dishonourable to the trust he holds from Your Majesty as it is painful to those who suffer from it.

"His further adding to this by most flagrant partialities, by fomenting party quarrels and taking measures to keep Your Majesty's old and new subjects divided from one another by encouraging the latter to apply for judges of their own national language.

"His discountenancing the Protestant religion by almost total neglect of attendance upon the services of the Church, leaving the Protestants to this day destitute of a place of worship appropriated to themselves.

"The burden of these grievances from government is so much the more severely felt because of the natural poverty of the country, the products of it being altogether unequal to support its consumption of imports.

"Hence our trade is miserably confined and distressed so that we lie under the utmost necessity of the aids and succours of government, as well from our mother country as that of the province, in the place of having to contend against oppression and restraint.

"We could enumerate many more sufferings which render the lives of Your Majesty's subjects in the province so very unhappy that we must be under the necessity of removing from it unless timely prevented by a removal of the present governor.

"We beg leave also most humbly to petition that it may please Your Majesty to order a House of Representatives to be chosen in this as in other of Your Majesty's provinces, there being a number more than sufficient of

loyal and well affected Protestants, exclusive of military officers to form a competent and respectable House of Assembly; and Your Majesty's new subjects, if Your Majesty shall think fit, may be allowed to elect Protestants without burthening them with such oaths as in their present mode of thinking they cannot conscientiously take." (Signed) Samuel Sills, Edward Harrison, Eleazer Levy, James Shepherd, John Watmough, John Ord, George Allsopp, William McKenzie, B. Comte, Peter Fanieul, George Fulton, John Dancer, James Jeffrey, James Johnston, Thomas Story, Daniel Bayne, John Pures, Alexander McKenzie, George Measam, John A. Gustineau, Philip Payn.

This document was supported by "the merchants and others now residing in London, interested in and trading unto the Province of Quebec, on behalf of themselves and others trading to and interested in the said colony." (Signed) Capel & Osgood Hanbury, Mildred & Roberts, John Leotard & Giles Godin, Wallace Jenkins & Co., James Bond, John Buchanan, Barnard & Harrison, Gregory Olive, Poley & Fletcher, Neale & Pigon, David Barclay & Sons, Nash Eddowes & Petrie, Bessons & Metcalfes, Wakefield Willett & Pratt, Richard Neave & Son, Anthony Merry, Webb & Sampson, James Masfeu, John Cartwright, John Souillet, Lane & Boothe, Brindleys Wright & Co., Crafton & Colson, Maudius Wright & Co., Isidore Lynch & Co.

The petition reminds us of the particular style used by Ducalvet in his famous book: it states nothing with precision and only expresses vague complaints. How are we to know the nature of the points submitted by the merchants to the consideration of the governor? These were rejected, we are told. On what ground were they based? On what ground were they ruled out? Not a word of explanation on that point. The merchants show disappointment which is conceivable since they did not obtain what they applied for, but are we to adopt their views without knowing them and decide that the governor and his advisors were in the wrong? Apart from that, can any one say that the petition brought a change in the conduct of the administration under a new governor? No, certainly not. It was probably wise to recall Murray after eight years of steady and valuable services, but it was wise also to select a

successor who would not be led by any party or combine, and this was done in the appointment of Carleton. Neither Murray nor Carleton wished to be hostile to the traders; they felt that these people would soon initiate a state of self-government if not checked in due time, and create trouble with the population.

It is evident also that the petitioners imagined they struck a great blow at Murray when they blamed him for his tolerance of the French language, showing thereby that they were ignorant of the intentions of the Imperial authorities in that respect.

No doubt if Murray had allowed the merchants to do as they liked there would have been no petition against him from that quarter, but the mass of the population was then sure to come forward with a protest against the renewal of the French régime.

Governor Murray was recalled to England in April, 1766, and Guy Carleton appointed lieutenant-governor during his absence, acting under the instructions given to Murray until his own appointment as governor-general in 1768. Murray left Quebec in June; Carleton arrived 23rd September.

The chief cause of complaint by the English-speaking residents was that Murray had failed to call an assembly, and that as a rule he gave too much support to the Canadians. Still, warm as he was in protecting them against oppression, he was at the same time anxious to cut them off from all connection with France. The navigation laws, which restricted all colonial commerce to British ships, were strictly enforced, and a smuggling trade, which the fishermen of St. Pierre and Miquelon tried to carry on with the Canadians was rigorously put down.

Murray's policy was continued by Carleton, who found the province much divided upon the question of calling an assembly, and as to what law should govern the judges in their decisions. He soon ranged himself on the side of the Canadians. He saw that their exclusion from all employment under the British government tended to perpetuate a feeling of alienation, and that the administration of justice was being made an instrument of oppression by fee-paid officials. He saw, too, that the small English population was asking for an assembly in order to prevent his interference

with their exclusive privileges, rather than to improve the constitution. He experienced the same difficulty as had Murray before him in inducing the council to do justice to the Canadians. Maseres wrote as follows at that date:—

“The French insist, not only upon a toleration of their public worship, but on a share in the administration of justice, as jurymen and justices of the peace, and the like, and on a right, in common with the English, of being appointed to all the offices of the government. The English, on the contrary, affirm that the laws of England made against the papists ought to be in force there, and consequently that the native Canadians, unless they think proper to turn Protestants, ought to be excluded from all those offices and various branches of power, and in some degree they seem to be supported in this opinion by a part of the governor’s commission, I mean that part which enables him to call and constitute a general assembly of the freeholders and planters of the province, for it is there expressly provided that no person elected to serve in such an assembly shall sit and vote there till he has subscribed the declaration against popery prescribed by the statute 25 Car. II., which would effectually exclude all the Canadians. The grounds upon which the French demand a toleration of the Catholic religion, are partly the reasonableness of the thing itself, they being almost universally of that religion, and partly the stipulation made on that behalf in the fourth article of the definitive treaty of peace and which it expressed in these words: “His Britannic Majesty on his side agrees to grant the liberty of the Catholic religion to the inhabitants of Canada; he will consequently give the most effectual orders that his new Roman Catholic subjects may profess the worship of their religion, according to the rites of the Romish Church, as far as the laws of Great Britain permit.” These last words, “as far as the laws of Great Britain permit,” render the whole stipulation in favour of this toleration very doubtful, for it may reasonably be contended that the laws of England do not at all permit the exercise of the Catholic religion. . . . No degree of toleration is even now actually allowed by the laws of Great Britain in any part of the British dominions. For these reasons we may conclude that the exercise of the Catholic religion cannot, consistently with the laws of Great Britain, be tolerated in the Pro-

vince of Quebec. Yet that it should be tolerated is surely very reasonable, and to be wished by all lovers of peace and justice and liberty of conscience. By what authority then shall it be tolerated? This is the only question that remains. Shall the King alone undertake to tolerate it? . . . The authority of Parliament seems to be a much safer foundation to establish the measure upon, in a manner which neither the new English inhabitants of the province can contest, nor the French Catholics suspect to be inadequate.

“The next great difficulty that occurs is the settlement of the laws. . . . It is to be wished that an Act of Parliament might be obtained that at once declared what laws should take effect in the Province of Quebec, whether the laws of the conquered or the laws of Great Britain, or some of the laws of the conquered, and some of the laws of Great Britain; or whether any other laws should be introduced there, more particularly fitted to the circumstances of the province; and if any, then what laws should be so introduced; or if this detail be thought too troublesome for the Parliament to enter upon, and their information concerning the state of the province should be deemed to be as yet too imperfect to enable them to go through such a business with propriety, then it is to be wished that an Act of Parliament may be obtained by which such a legislative power of making laws and ordinances for the good government of the province might be delegated to the governor and council, as has been already exercised by them by virtue of an instruction from the King alone. . . . There might be a clause directing them to transmit these several laws and ordinances to the King and Privy Council in England to be by His Majesty in Council allowed or disallowed. . . . Laws and ordinances founded on such a parliamentary authority will easily find obedience from the people, which it is to be feared no others will; and the judges of the province will carry them into execution with ten times as much spirit and confidence as if they were doubtful of their legal validity. . . . Some persons are of opinion that the laws of Great Britain do at once take place in a conquered province without any authoritative introduction of them, either by the King or Parliament, but this opinion seems destitute of foundation and is sufficiently refuted by the advice of the learned Mr. Yorke, His Majesty’s attorney-general, who has

advised that the Canadians should be permitted to retain their own laws, relating to inheritances and the alienation of their real estates, which would be impossible without an Act of Parliament for that purpose, if the whole system of the laws of England did *ipso facto* become the law of the province upon its being conquered, or ceded to the Crown. Indeed, the whole system of the laws of England, taken in the gross, and without a selection, would be by no means a blessing to the Canadians. . . . This doctrine, therefore, of the instant validity of the whole mass of the laws of England throughout the conquered province cannot be maintained. And if the whole system of those laws is not valid there, then certainly no part of them can be so. For, if they are, then who shall distinguish which of them are valid there and which are not? It may, therefore, be concluded that none of the laws of England are valid in the conquered province, *ipso facto*, by virtue of the conquest or cession, without a positive introduction there by a sufficient authority; and this sufficient authority seems to be only the Parliament of Great Britain.

“The next great difficulty that calls loudly for the interposition of Parliament, is the low state of the revenue of the Province of Quebec. Under the French government this revenue amounted to about thirteen thousand pounds per annum, but has now sunk to less than three thousand. The cause of this is the change in the course of trade, by which means it falls out, that those taxes which produced the principal part of the revenue, though still in force now, produce nothing at all. The principal of those taxes (8,000 pounds a year) was a duty upon French wines, which were imported there from old France in great quantities. Nor would it be replaced by an increase in the consumption of Spanish or Portuguese wines, supposing the tax might be construed to extend to those wines, for the Canadians do not like them and will not drink them. From a like cause, other duties which formerly made a considerable part of the public revenue, derived from French brandies imported from old France, and French rums imported from the French West India Islands, now produce nothing at all. From these causes the revenue is sunk so low that it is insufficient to defray the expenses of the civil government, though its establishment is so very moderate. It is, therefore, necessary either for the treasury of

England to issue a sufficient annual sum to make good the salaries of the several officers of the government, or that some new tax should be imposed upon the inhabitants, to supplement those which by reason of these accidents have failed. If this latter method should be adopted, it is presumed that the authority of Parliament will be the proper power to have recourse to. . . . Information has been received from persons well acquainted with the state and trade of the province, that British spirits would be the commodity that could best bear a duty and would produce the best revenue; that there are annually imported into the province about 250,000 gallons of these spirits and that they might bear a duty of not more than three pence a gallon, without hurting the trade; and this would produce 3,000 pounds a year.

“The malicious and desperate enemies of an upright and popular administration may perhaps traduce such a measure as inconsistent with their late indulgent conduct with respect to the other American colonies in the late repeal of the Stamp Act, but the difference in the two cases is too striking to make a calumny in the least degree formidable. The other American colonies have internal legislatures of their own, who have been permitted, ever since their first establishment, to be the assessors of all their internal taxes; and, as they had not abused this privilege with which they had been so long indulged, and further, as their exercise of this privilege seemed to be in no way prejudicial to the mother country, it seemed to have been a harsh and ungracious measure on the part of Parliament, by the advice of the late ministry, to revive and exact a dormant and inherent right of taxing them; which, however, the whole Parliament, excepting a very few members of both houses, have arrogantly declared themselves to be possessed of. But the Canadians have no such internal legislature, no such means of taxing themselves by representatives of their own choosing. Unless, therefore, they have the singular privilege of not being liable to be taxed at all, they must be liable to be taxed either by the King alone, or by the King and Parliament; and the more reasonable of these two opinions is, that they are taxable by the King and Parliament. Those, therefore, who would promote taxation by authority of Parliament, would act like the truest friends to civil liberty,

and with the same spirit of mildness and moderation that inspired them in the repeal of the Stamp Act.

“If it should be said that the Province of Quebec ought to have an assembly in the same manner as the other American colonies, and that the taxes ought to be imposed by the consent of such an assembly, it will be sufficient for the present purpose, and to support the measure here suggested of taxing them by authority of Parliament, to answer, that as yet no such assembly has been constituted; and till an assembly is established, whether that time be short or long, the safest and mildest method of imposing taxes is to do it by authority of Parliament.

“As to establishing an assembly in that province, it is a measure which probably will not for some years to come be found expedient. If an assembly were now to be constituted, and the directions in the governor’s commission, above alluded to, were to be observed by which none of the members elected there are to be permitted to sit and vote in the assembly till they have subscribed the declaration against popery, it would amount to an exclusion of all the Canadians, that is, of the bulk of the settled inhabitants of the province. An assembly so constituted might pretend to be representative of the people, but in truth it would be representative of only the 600 new English settlers, and an instrument in their hands of domineering over the 90,000 French. Can such an assembly be thought just or expedient, or likely to produce harmony and friendship between the two nations? Surely it must have a contrary effect.

“On the other hand it might be dangerous in these early days of their submission, to admit the Canadians themselves to so great a degree of power. Bigoted as they are to the popish religion, unacquainted with, and hitherto prejudiced against the laws and customs of England, they would be very unlikely for some years to come, to promote such measures as would gradually introduce the Protestant religion, the use of the English language, and the spirit of the British laws. It is more probable they would check all such endeavours, and quarrel with the governor and council, or with the English members of the assembly, for promoting them. Add to this that they are almost universally ignorant of the English language, so as to be absolutely incapable of debating in it, and consequently must, if

such an assembly were created, carry on the business of it in the French language, which would tend to perpetuate that language, and with it their prejudices and affections for their former masters, and postpone to a very distant time, perhaps for ever, that coalition of the two nations, or the melting down of the French nation with the English in point of language, affections, religion and laws, which is so much to be wished for, and which otherwise a generation or two may perhaps effect, if proper measures are taken for that purpose. And further it may be observed that the Canadians themselves do not desire an assembly, but are contented to be protected in the enjoyment of their religion, liberties and properties under the administration of His Majesty's governor and council. If, to give a proper stability to this mode of government, it is carried on by authority of Parliament, and is properly superintended, as no doubt it will be, by the wisdom of His Majesty's Privy Council, they will think themselves extremely happy under it. The persons who most desire the immediate constitution of an assembly are some of the six hundred English adventurers, who probably are ambitious of displaying their parts and eloquence in the characters of leading legislators. . . . Could the King, if he thought proper, and a particular county of England was to desire it of him, sever that county from the rest of England, and no longer summon any of its members to Parliament, but instead thereof constitute a little Parliament in that county itself, that should make laws and levy taxes for the inhabitants of that single county? It is presumed that he could not; and establishing an assembly in a conquered province is an act of much the same nature. It is true, indeed, that some of the American charters and assemblies owe their rise to this authority; but this was in the reign of the Stuarts, who were fond of exceeding their prerogative; and, on account of the inconsiderableness of the colonies at that time, these things were then unnoticed, so that they do not prove the strict legality of the practice. Since that time, these charters have been put in practice by the colonies and acquiesced in by the mother country, and in some measure recognized in Parliament; and this usage, acquiescence and recognition, are in truth their best support. But if an assembly is to be constituted, in which the Catholics or Canadians are to be admitted (as in justice and reason they ought to be, if any assembly at all is to be

established) the authority of Parliament seems to be still more necessary to give validity to such a measure."

A remonstrance signed by P. Æmilius Irving, W. Murray, Adam Mabane, François Mounier and James Cuthbert, members of the council, and addressed to Governor Carleton under date of the 13th October, 1766, complains of the method lately adopted by calling together only a part of the councillors. On another point a question is raised whether the number of councillors is limited, and if so, why the additional appointment of Mr. Stewart is not considered as supernumerary. The reply of Carleton says: "I both have and will, on all matters which do not require the consent of council, call together such councillors as I shall think best qualified to give me information; and, further, I will ask the advice and opinions of such persons, though not of council, as I shall know as men of good sense, truth, candour and impartial justice; persons who prefer their duty to the King and the tranquillity of his subjects to unjustifiable attachments, party, zeal and to all selfish mercenary views. After I have obtained such advice, I will still direct as to me shall seem best for His Majesty's service and the good of his province committed to my care. . . . For the present the council consists of twelve members. Those named and appointed immediately by the King have the preference, next follow those appointed by Governor Murray till the seats are all full. You will be pleased to recollect, gentlemen, that Mr. Stewart, though sworn into council after Mr. Mounier, has by virtue of the King's immediate appointment constantly taken place and precedence of you all. I must also remind you that His Majesty's service requires tranquillity and peace in his Province of Quebec and that it is the indispensable duty of every good subject, and of every honest man, to promote such a desirable end."

Carleton writing on the subject of council, 25th October, 1766, says: "Nothing has been done that required a council, my calling a few councillors was merely from prudential reasons and for private information. . . . I understand these gentlemen are seeking an excuse to resign their seats and make trouble. I shall give them time to cool and reflect, till matters occur that may require a council. The great leader of the intended opposition is Mr. Mabane, who followed the army as surgeon's mate into this country,

and hoping and believing that this government is unsettled, is endeavouring to stir up considerable agitation; I trust he will not succeed. Captain Cuthbert threatens me with much opposition from his friends, says he was forced into the council by Governor Murray on his departure, much against his will, but now he is in he will show the world who has friends, and who shall be turned out. I laughed and made no answer. Mr. Walter Murray, who has acted as a strolling player in other colonies, but here as a councillor, and Mr. Mounier (a Swiss), an honest, quiet trader, who knows very little of our language and manners, like most of the Canadians, will sign, without examination, whatever their acquaintances urge them to, and Lieutenant-Colonel Irving professes he signed this and the order of council mentioned above, because his friends desired him. All these little workings I look on as the natural consequences of the late tempest, which after a few months settled calm must insensibly subside and die away. In general His Majesty's subjects here seem rather to want instruction than reproof. To know clearly the King's will, and to see it steadily pursued here, will, or I am much mistaken, soon occasion a quiet and dutiful obedience, in spite of the opposition of a few self-interested individuals."

The articles of capitulation and the Treaty of Paris, granting freedom to the Catholic religion, and putting the Canadians on the same footing as British subjects, could not be carried out practically, because of the restriction contained in these words, "so far as the laws of Great Britain permit." As it was perfectly well known that the laws in question did not admit anything from the Roman Church, the clause was null and void, and, as a consequence, the Canadians were not on the footing of British subjects, being unable to take the oaths prescribed for certain occasions. The ministry felt the awkwardness of the situation, but found no remedy for it, except as in the case of the nomination of a Bishop, to wink at it. Negotiations had been opened in 1763 by the clergy of Canada for the recognizance of Grand Vicar Jean Olivier Briand, selected by the Canons of Quebec, to succeed Mgr. Pontbriand, dead since 1760. Mr. Briand went to London in 1764, was accepted by the King, but without the title of Bishop of Quebec; then he received his nomination from Pope Clement XIII., and was consecrated on the 16th of March, 1766, at Paris, after which he went back to London, and arrived at Quebec 28th of June following. The King had clearly told

him that no appointment as curé could be made without the consent of the governor. Other matters, such as tithes, etc., were left in the position made by the Treaty of Paris.

The seigneurs of the land and proprietors of the fiefs of the district of Montreal signed a petition during the autumn of 1766, in which they express their gratitude "for the signal favour of possessing a Bishop," and for the revocation of the Stamp Act. They beg to thank His Majesty for having given them as governor in the past the Honourable James Murray and dare to hope His Majesty will continue to them this worthy officer "whose clear-sightedness, equity and wisdom continually afford him efficacious means for maintaining the people in tranquillity and obedience." Then follows a double request: First, for the suppression of the Register, "the expense of which exhausts the colony, without its receiving from it the least advantage," and second, that all the subjects in the province, without any distinction of religion, may be admitted to any office, the only basis of selection being that of capacity and personal merit. "To be excluded by the State from participating in it is not to be a member of the State."

To the King.—"The seigniors in the district of Quebec, as well in their own names as in those of all the inhabitants, their tenants, pierced with grief at the departure of His Excellency the Honourable James Murray, whom they have since the conquest of this province loved and respected even more on account of his personal qualities, than as their governor, believe they would be unworthy to live if they did not strive to make known to Your Majesty their Sovereign, and to the whole of England, the obligations they owe him, which they will never forget, and the sincere regret they feel at his departure. . . . The cabal formed by a certain number of the old subjects has triumphed. . . .

"The Honourable James Murray, in 1759, surrounded by Canadians, whom he might have regarded as his enemies, has had only indulgence for them. From that time he gained our hearts; his generosity and that of his officers, animated by his example, who by the charity they distributed, delivered the population from the misery into which the misfortune of war had plunged it, forced us to admire and respect him.

"After the complete conquest of this province, he, by his affability,

compelled us to love him; he established in his government a military council, composed of upright officers, who without prejudice and without emoluments have decided between, or rather have reconciled, litigants; there has been no instance of an appeal from their decision. How many families has he not helped and supported! We enjoyed till the date of civil government a tranquillity which almost made us forget our mother country of old. Subject to his wise decisions and ordinances we were happy. The old subjects did not then think of complaining. We shall long remember the mildness of that government. Our hopes have been destroyed by the establishment of the civil government that had been so highly extolled; we saw rise with it cabal, trouble and confusion, and we are astonished to see in infamous libels, whose authors went unpunished, the basest and most flagrant calumny. We, accustomed to respect our superiors and to obey the orders issued by our Sovereign, in which we were led by our education as much as by our religion, respected the new civil officers, we were bound by their decisions, we executed their orders. The high salaries of these officers indeed surprised, but did not shock us. Struck with their irregularities on several occasions we lamented without complaining; we would still keep silence, had we not been struck by the most grievous misfortune we have ever felt. Our protector, our father, is taken from us. . . . The old subjects, at least the greatest number of them, since the date of civil government have only sought to oppress us, to render us their slaves and perhaps to seize our property. The emigration of many of our best fellow-citizens, which we regret, has been the fatal consequence of their evil proceedings, and the alarming rumours they continue to spread remain to us as authentic monuments of them.

“The protection with which Mr. Murray has honoured us retained several of us who had determined to leave the province. The politeness and deference of this governor for persons of good birth, the assistance he has not ceased to obtain for them, have drawn on him the hatred of the greater part of the old subjects. A cabal of people who have come in the train of the army, as well as clerks and agents of the London merchants deserve no preference, not only from their conduct but from their want of education, and, contemptible in themselves, piqued by the treatment rendered to them,

on this account, they have gained over a few of our fellow countrymen, several of whom were of the same contemptible character; others, acting without reflection, have supported them and signed the blackest calumnies in a language which they did not understand; there were even some among the latter who acknowledged that they had been taken unawares, and men of honour have not ceased to disclaim such detestable proceedings.

“But who are mostly those among the new subjects who have strengthened the cabal which takes advantage of their signatures? People without birth, without education, without scruple, disbanded soldiers from the French army, barbers, servants, even children; several of them in order to become shopkeepers have made themselves the slaves of their creditors, even Jews, who, accustomed to respect the citizens in those parts of the world where they are tolerated, have not hesitated in this province to exalt themselves above the King’s new subjects, to whom this kind of men was previously unknown and who, as well as their adherents, have ruined and reduced to the last state of wretchedness those who made common cause with them, a fit reward for their arrogance and weakness.

“We did not know the subject of the complaints the cabal made use of against Mr. Murray. Those of the new subjects who had the folly to subscribe them could not inform us, and how could they do so? They signed without knowing what they were doing; they had no motive for doing so; they were slaves to their creditors. It would be easy for us to discuss the items of these complaints and to show their falsehood. . . . If it please Your Majesty to give orders to have the heads of the accusations communicated to us, we will answer them as faithful subjects. It belongs to our honour to maintain truth and to unmask imposture. . . . We wish to be fully persuaded of the good intentions of the State respecting us, and that Mr. Carleton, who is selected to take the place of Mr. Murray, is endowed with excellent qualities, that he will follow the example of his predecessor and will have the same regard for us; but we do not know him, whilst on the contrary we are perfectly acquainted with him whom we are losing. We respect Mr. Carleton without knowing him, and we will obey him since he is chosen by Your Majesty, but if he protects us, if he renders us justice and maintains us in our rights, soon those who are jealous of us will cabal

against him and complain again, and to satisfy the caprice of a handful of people who find persons in London to support them, knowing nothing respecting the subject of their discontent, except what they are told, it will be necessary to appoint a new governor every year, and we, poor Canadians, will be sacrificed without being able to represent our case. What idea could we have of the laws of your government? We believe them to be wise; we receive them, but what would this serve if British liberty were granted only to the old subjects? They would complain without reason to satisfy their fickleness and caprice, and would employ calumnies which hell alone can invent, and they would be favourably listened to. Would it not be allowed to your new subjects to speak, and would a governor be condemned without a hearing, who was making them happy to their satisfaction? Our language is not that of a people groaning under oppression, we dare to tell Your Majesty that a man entrusted by your orders to ascertain here the truth, will find in all the towns and parishes the reverse of what the malice of our enemies and of those of Mr. Murray has invented to blacken him and to grieve us. . . (Signed) Tarieu de la Naudière, J. Duchesnay, F. J. Cugnet, Rigauville, D. Vincelotte, J. Couillard, Louis Dupuis, Saint-Lue de la Corne, Michel Blois, Couillard, Couillard, J. Roy, Gaspé, J. Couillard, Lachevrotière, Aubert, Augustin Chavigny, A. Hamelin, Gastineau, D. M. Deplaing.

CHAPTER XIV.

The Walker outrage, 1764—Political situation, 1767—Carleton governor-in-chief, 1768—Members of the council, 1764-1768—The Swiss in Canada—Political situation, 1768-1769—Carleton goes to England, 1770.

Up to 1763 there was practically no English-speaking population in the province, the small military force excepted. With the peace, many soldiers in Canada had been discharged from service, and there was also a certain influx of traders from the neighbouring colony of New York and from New England. To these must be added the officials who were sent out from England. All told the English-speaking residents of the province amounted to about two hundred in 1764. The officials are described by Murray as men of doubtful character, and quite unqualified to fill important offices. We need hardly wonder after reading what Murray and Carleton said of "contemptible settlers and traders" that these two governors declined to call an assembly of such men. As it was, this minority necessarily monopolized all public offices; from them alone could magistrates and bailiffs be appointed, the religion of the Canadians debarring them from all share in the administration of law, etc. The officials engaged in the department of justice were paid by fees, and magistrates and bailiffs were in league, not only to stir up law suits, but also to make them as expensive and tedious as possible. When Carleton succeeded in 1770 in getting an ordinance passed curtailing some of their privileged abuses, the cry for an assembly to curb the governor was vehement and bitter.

Doubtless there were some good citizens among the newcomers. To them at all events the province was indebted for the first printing press set up in Canada. From it issued the *Quebec Gazette*, a semi-official organ which strongly supported the claim of the English-speaking minority to rule the province by means of a Protestant assembly. The "old subjects" from New York and New England soon regained by their energy the control of

provincial commerce. They opened up again the fur trade of the west, which had died out during the war. They began, also, a commercial intercourse with England, securing in this way, through London merchants, an influence in the British Parliament. Montreal was the chief business centre, and here lived most of the traders who had come from the neighbouring provinces.

Thomas Walker was an Englishman, who had resided for many years in Boston, but came to Montreal some time after the close of the war in 1760, where he engaged in the trade with the upper country. He appears from the first to have opposed every action of the governor, called himself the agent of the people, and convinced them that it was by his influence that Murray was to be recalled, making use of Lord Dartmouth's name as his authority.

An annexation party existed in those days among some of the resident traders of Quebec and Montreal. The agitation caused by the Stamp Act was only latent for a while. Those who were animated by a spirit of resistance against the authorities found support in the house of Walker and his friends. Some hot-tempered individuals, on the other side, came to the conclusion that they could frighten this man and punish him for his conduct, and on the evening of the 6th December, 1764, they entered his lodging in disguise, struck him, cut one of his ears and managed to escape without being recognized by any one. Every indication pointed towards the garrison troops—officers or soldiers, but there was no direct evidence against them. The outrage itself was evidence of the bad state of feeling between the military and some of the civil population, and it seems by no means improbable that the account given by Murray of the class from which the latter was drawn may to some extent have been influenced by the feelings of contempt entertained by the military towards the first British settlers, a feeling which was reciprocated, and found vent in the petitions for Murray's recall. This feeling, however, appears to have materially changed after Carleton's arrival, who, writing to Lord Shelburne in September, 1767, says that their animosities were abating and he adds: "Indeed, it seems to be brought to a fair trial whether the course of justice should pre-

vail, or all matters be determined by association and party spirit. I flatter myself I shall see no more attempts of that sort in this province.”

Walker was dismissed from the Commission of the Peace by General Murray on the ground that by his seditious insinuations he had induced the Montreal jurors to refuse to do their duty, that there were repeated complaints of his insolent and overbearing temper, and the consequent impossibility of getting any other justice to act with him. These charges were considered by the council sufficient to warrant his dismissal, a resolution to which Murray agreed with reluctance, on account of the ill-treatment Walker had received and the triumph it would give his enemies.

On the 27th March, 1766, His Majesty ordered that Walker be immediately restored to the magistracy, and on the same day an order was issued from the Privy Council, addressed to the Governor of Michillimackinac and Detroit, in which it was enjoined that Walker should receive the most effectual assistance in the pursuit of his trade and business. In short, every reparation possible was made to him by the Imperial authority, and the most stringent orders were given that no exertions should be spared to secure the arrest of the perpetrators of the outrage, but these were unsuccessful. On the 1st of April, 1766, Murray was ordered to London to give an account of the state of his government, to which he did not return—but his departure is not merely connected with the case of Walker, as will be explained elsewhere.

The mystery covering the attack in question has never been solved, although an attempt was made in November, 1766, to clear up that point. One George Magovock, late soldier in the 28th regiment of foot, then in gaol for a rape and who had been besides detected in robbing Mr. McKenzie's cellar in whose house he was living in Quebec, with Thomas Walker, made a declaration under oath that John Fraser and five other persons were the authors of the assault committed upon Thomas Walker on the 6th December, 1764. Six persons were arrested and sent to Quebec, where they remained in gaol more than three months without being admitted to bail. Their names were: John Fraser, captain 78th regiment, deputy paymaster-general, one of the judges of the Court of Common Pleas; St. Luc de la Corne, captain in the former French service, Knight of St. Louis; John

Campbell, 27th regiment; Daniel Disney, captain, 44th regiment; Simon Evans, lieutenant, 28th regiment, and Joseph Howard, merchant. From Quebec they were removed back to Montreal, where the trial took place, in April, 1767. No evidence having been produced against them, the grand jury pronounced their acquittal. Here are the name of these jurors: Samuel McKay, foreman, St. Ours, chevalier de St. Louis, Isaac Todd, François de Bellestre, chevalier de St. Louis, Louis Mattorell, M. de Contre-cœur, chevalier de St. Louis, M. de Niverville, chevalier de St. Louis, Thomas Lynch, Boucher de la Bruyère, John Livingston, Jacob Jordon, Boucher de Niverville (Trois-Rivières), Godefroy de Normanville, Moses Hazen, Dailleboust de Cuisy, James Porteous, John Dumas, William Grant, Samuel Mather, Augustus Bailie, John Jennison. As for Walker, he remained in Canada and reappeared to create trouble later on.

Shelburne writing to Carleton, 20th June, 1767, states: "I have the pleasure of confirming to you His Majesty's gracious approbation of your conduct. . . . As the right administration of the government of Quebec is a matter of the greatest importance to that province, the improvement of its civil constitution is under the most serious and deliberate consideration of His Majesty's servants and principally of His Majesty's Privy Council. Every light which can be procured on this subject will be material as well as every information which can tend to elucidate how far it is practicable and expedient to blend the English with the French laws in order to form such a system as shall at once be equitable and convenient, both for His Majesty's old and new subjects, in order to the whole being confirmed and finally established by authority of Parliament."

Carleton to Shelburne, 24th September: "Should His Majesty be graciously pleased to grant the petition of Mr. Chaussegros de Léry for employment, it will serve as a proof to gentlemen of Canada that they are not forever to be excluded from the service of their present sovereign. This opinion I have endeavoured to remove, as I am thoroughly convinced, it is for the British interests upon this continent, they should be employed; from a despair of this sort, I imagine, it must have proceeded that several young gentlemen, whose parents remain in this country, and whose fortunes they must inherit, have entered into the French service, as Your Lordship may

see by the enclosed return; the three first are heirs of three of the best and richest families in the province. Should His Majesty think proper to raise a Canadian regiment, no doubt but these gentlemen would prepare to serve, where both duty and interest require them. Until that scheme shall be adopted, the placing a few of the young gentlemen in the American battalions would make them turn their eyes from France, which undoubtedly will endeavour to preserve an interest here for future events."

Carleton to Shelburne, 25th November: "As the common people are greatly to be influenced by their seigniors, I annex a return of the noblesse of Canada, showing with tolerable exactness, their age, rank, and present place of abode, together with such natives of France, as served in the colonial troops so early in life as to give them a knowledge of the country, an acquaintance and influence over the people, equal to natives of the same rank; from whence it appears that there are in France, and in the French service, about one hundred officers, all ready to be sent back, in case of a war, to a country they are intimately acquainted with, and with the assistance of some troops, to stir up a people accustomed to pay them implicit obedience. It further shows, there remain in Canada not many more than seventy of those, who ever had been in the French service, not one of them in the King's service nor one who, from any motive whatever, is induced to support his government and dominion, gentlemen, who have lost their employments, at least by becoming his subjects, and as they are not bound by any offices of trust or profit, we should only deceive ourselves by supposing they would be active in the defence of a people that has deprived them of their honours, privileges, profits and laws, and in their stead have introduced much expense, chicanery, and confusion, with a deluge of new laws unknown and unpublished. Therefore, all circumstances considered, while matters continue in their present state, the most we may hope for from the gentlemen who remain in the province, is a passive neutrality on all occasions, with a respectful submission to government, and deference for the King's commission in whatever hands it may be lodged. This they almost to a man have persevered in, since my arrival, notwithstanding much pains have been taken to engage them in party intrigues, by a few, whose duty, and whose office, should have taught them better. . . . Having

arranged the strength of His Majesty's old and new subjects, and shown the great superiority of the latter, it may not be amiss to observe that there is not the least probability this present superiority should ever diminish, on the contrary it is more than probable it will increase and strengthen daily. The Europeans who emigrate never will prefer the long inhospitable winters of Canada to the more cheerful climates and more fruitful soils of His Majesty's southern provinces. The few old subjects at present in this province have been mostly left here by accident, and are either disbanded officers, soldiers, or followers of the army, who, not knowing how to dispose of themselves elsewhere, settled where they were left at the reduction of the troops; or else they are adventurers in trade, or such as could not remain at home, who set out to mend their fortunes, at the opening of this new channel for commerce, but experience has taught almost all of them that this trade requires a strict frugality they are altogether strangers to, or to which they will not submit; so that some, from more advantageous prospects elsewhere, others from necessity, have already left this province, and I greatly fear that many more, for the same reasons, will follow their example in a few years. But, while this severe climate and the poverty of the country discourages all but the natives, its healthfulness is such that these multiply daily, so that, barring a catastrophe shocking to think of, this country must to the end of time be peopled by the Canadian race, who already have taken such firm root and got to so great a height, that any new stock transplanted will be totally hidden and imperceptible amongst them, except in the towns of Quebec and Montreal.

"The King's forces in this province, supposing them complete to the allowance and all in perfect health, rank and file, would amount to sixteen hundred and twenty-seven men. The King's old subjects in this province, supposing them all willing, might furnish about five hundred men able to carry arms, exclusive of the troops. . . . The new subjects could send into the field about eighteen thousand men well able to carry arms, of which number above one-half have already served with as much valour and with more zeal and military knowledge for America, than the regular troops of France that were joined with them."

Carleton to Shelburne, 24th December, 1767: "To conceive the true

state of the people of this province, so far as the laws and administration of justice are concerned, and the sensations they must feel in their present situation, it is necessary to recollect they are not a migration of Britons, who brought with them the laws of England, but a populous and long-established colony, reduced by the King's arms to submit to his dominion, on *certain conditions*; that their laws and customs were widely different from those of England, but as well founded on natural justice and equity; that their honours, property and profits, as well as the King's dues, in a **great** measure depended upon them; that on the mutation of lands by sale, some special cases excepted, they establish fines to the King, in lieu of quit rents, and to the seigneur, fines and dues, as his chief profits, obliging him to grant his lands at very low rents. . . . How far the change of laws, which deprives such numbers of their honours, privileges, profits and property, is conformable to the capitulation of Montreal and Treaty of Paris; how far the ordinance of the 17th September, 1764, which affects the life, limb, liberty and property of the subject, is within the limits of the power His Majesty has been pleased to grant to the governor and council; how far this ordinance, which, in a summary way, declares the Supreme Court of Judicature shall judge all cases, civil and criminal, by laws unknown and unpublished to the people, is agreeable to the natural rights of mankind, I humbly submit. This much is certain, that it cannot long remain in force without a general confusion and discontent. . . . A few disputes have already appeared where the English law gives to one, what by the Canadian law should belong to another. . . . The present great and universal complaint arises from the delay and heavy expense of justice. . . . The most advisable method, in my opinion, for removing the present, as well as preventing future evils, is to repeal the ordinance of the 17th September, 1764, as null and void in its own nature, and for the present leave the Canadian laws almost entire. Such alterations might be afterwards made in them, as time and circumstances rendered the same advisable, so as to reduce them to that system His Majesty should think fit, without risking the dangers of too much precipitation; or else, such alterations might be made in the old and such new laws as are judged necessary be immediately

introduced, and published as a Canadian code, as was practised by Edward the First after the conquest of Wales."

In 1767, Carleton pointed out to the minister that, notwithstanding the action of the home government in introducing English civil law into the colony, the people continued to regulate all their transactions by their ancient laws, though unknown and unauthorized in the courts, where most of these transactions would be declared invalid. He attributed the absence of much more violent manifestations of discontent among the people to the fact that the enormity of the change was not fully recognized by them, but declared that the recognition of it will in time cause consternation and ill-feeling. The new courts, said he, "introduced all the chicanery of Westminster Hall into this impoverished province, where few fortunes can bear the expense and delay of a law suit."

As Carleton desired to get the fullest possible information regarding the legal conditions and necessities of the colony, he asked Maseres, among others, for a report elaborating his views and opinions. Maseres was of French descent, his ancestors having gone over to England with many other Huguenots when (1685) the Edict of Nantes was revoked. His schooling in English law had given him a veritable Blackstonian love of his profession. The report he made in 1769 ran, in some parts, directly counter to the personal views of the governor; for in general he insisted that the restoration of the entire fabric of French civil law would be a misfortune both for the colony and for Great Britain. The retention of that portion of the old jurisprudence which dealt with real property seemed to Maseres justifiable enough, but further than this he was not prepared to go. Carleton wrote to the home authorities deploring the "narrow prejudices" of their attorney-general, which he attributed to his "having conversed more with books than with men."

The people were following the English system of conveyancing as simpler and less expensive than the French, even though it did not lend itself to the existing form of tenure. The seigneurs, taking advantage of the doubtful situation of the time, were generally disregarding the provision of the Arrêt de Marly (1711), that no entry fee should be exacted from habitants for grants of land, but that holdings *en censive* should be freely

conceded at the rates customary in the neighbourhood. Many of the habitants were refusing to pay their quint, some on the ground that the governor in council had no right to revive the Custom of Paris in part, and some under the pretence that the seigneurs had not been called upon to render fealty and homage, a duty which was, by custom, a prerequisite of the exaction. Many seigneurs were imposing dues and services to which they were not entitled, and many habitants were refusing to render even their proper obligations. All this disorder served to produce a torrent of litigation which the inefficient judicial organization was utterly unable to stem with any approach to satisfaction.

Though the Canadians were satisfied with the English laws against crime, they did not like the civil laws, as those were called which had to do with property, marriages, wills, and such matters. They objected also to the plan of having a jury of twelve men, who had not been specially trained in law, to decide cases about land and money, and preferred to trust to the wisdom and honesty of the judge alone. Then the plan was tried of following the English laws in some things and the French in others; and at last the judges decided by whichever laws happened to suit their fancy. This uncertainty was very bad for the people in general, and very pleasing to cheats and rogues—but it was allowed to go on for years.

Carleton to Shelburne, 20th January, 1768: “As long as the Canadians are deprived of all places of trust and profit, they never can forget they no longer are under the dominion of their natural sovereign; though this immediately concerns but few, yet it affects the mind of all, from a national spirit which ever interests itself at the general exclusion of their countrymen. Three or four of their principal gentlemen, with the rank of councillors, were it little more than honourary, though on many occasions they might prove useful; a few companies of Canadian foot judiciously officered, with three or four trifling employments in the civil department, would make very considerable alterations in the minds of the people. It would divide the Canadians at least and secure a part, in case of a French war, that would emulate the zeal of the King’s national troops. It would hold out hopes to the gentlemen that their children, without being bred up in France, or the French service, might support their families in the service of the King, their

master, and by their employments preserve them from sinking into the lower class of people, by the division and sub-division of lands every generation.

“I have found in Canada what I believe may be found everywhere, the people fond of the laws and form of government they have been educated under, though scarcely a man that knows one sound principle of government, or law. Three or four of the old subjects, about a year ago, brought me the rough draft of a petition for a general assembly, and hoped I had no objection to their having it signed by all the British who wished to have one called. I told them I had many objections to great numbers signing a request of any kind, that it seldom conveyed the sincere desire of the subscribers; that it had an appearance of an intention to take away the freedom of granting or refusing the request. I had no objection to assemblies in general, yet such was the particular situation in Canada, that though I had turned over that matter often in my thoughts, I could hit off no plan that was not liable to many inconveniences and some danger; that perhaps they might be more fortunate, and I should consider myself obliged to them, if they would show me one that could be of advantage to the province and to the King’s service, assuring them such a plan wanted no petitions to recommend it to me. About a month after they asked me if I had considered their request, and I repeated my former answer, since which I have often urged them, of my own accord, to let me have their scheme for an assembly, and to inform me who they thought should be the electors, and who the representatives, but to no purpose. So that I imagined they had laid aside all thoughts of the kind, till lately one John McCord, who wants neither sense nor honesty, and formerly kept a small ale house in the poor suburbs of a little country town in the north of Ireland, appearing zealous for the Presbyterian faith, and having made a little money, has gained some credit among people of his sort. This person purchased some spots of ground and procured grants of more, close to the barracks, where he ran up sheds and placed poor people to sell his spirits to the soldiers. Finding his lucrative trade has lately been checked by inclosing the barracks to prevent the soldiers getting drunk all hours of the day and night, he has started to be a patriot, and with the assistance of the late attorney-

general (Suckling), and three or four more, egged on by letters from home, is at work again for an assembly, and purposes having it signed by all he can influence.

“On the other hand, the better sort of Canadians fear nothing more than popular assemblies, which they conceive tend only to render the people refractory and insolent. Enquiring what they thought of them, they said they understood some of our colonies had fallen under the King’s displeasure owing to the misconduct of their assemblies and that they should think themselves unhappy if a like misfortune befel them.”

After acting as Lieutenant-Governor of Quebec from April, 1766, till the beginning of 1768, Carleton was appointed (January 22nd, 1768) to the full position of Captain-General and Governor-in-Chief of Quebec.

The following is a list of the members of the council at the end of 1766 with the date of their admission: 1764, 13th August; Paul Æmilius Irving, Hector Theophilus Cramahé, Samuel Holland, Walter Murray, Adam Mabane, Thomas Dunn, François Mounier; October 10th, James Goldfrap; October 31st, Benjamin Price. 1765, 20th June: Charles Stewart. 1766, 14th June: James Cuthbert; June 30th, Thomas Mills; September 25th, William Hey, in the place of William Gregory.

The instructions given to Carleton in 1768 state that the King has appointed the following persons “to be of our council for our Province of Quebec”: William Hey, chief justice, Hector Theophilus Cramahé, James Goldfrap, Hugh Finlay, Thomas Mills, Thomas Dunn, Walter Murray, Samuel Holland, Francis Mounier, Benjamin Price, Colin Drumond. In case of vacancy by death or otherwise, the appointment of a new councillor was reserved for the King. In case of the number ready for business being less than seven, the governor had power to choose as many persons as will make the quorum, to act until confirmed by His Majesty.

The necessity of employing officials thoroughly conversant with the French language had brought several Swiss of the Protestant faith into the service of Canada. The best known amongst them were: General Haldimand, Conrad Gugy, Joseph Bruyères, Hector Cramahé, François Mounier, Francis Masères, Jean-François-Louis Genevay, Sir Austin Prevost, Pierre-Antoine Roubaud, all occupying high functions in the administra-

tion. Pierre Ducalvet, a merchant, was also a Swiss and a Protestant. The Reverend Messrs. de Montmollin, Veyssières and Delisle were of the same nationality and faith.

Hillsborough to Carleton, March 6th, 1768: "It is most unfortunate for the colony of Quebec that weak, ignorant and interested men were sent over to carry the proclamation into execution, who expounded it in the most absurd manner, oppressive and cruel to the last degree to the subjects, and entirely contrary to the royal intention. The distance of the colony, the difficulties arising from many circumstances, and the difference of opinion occasioned by various causes, have prevented, as yet the necessary measures from being taken, to correct this original and fatal mistake, but I trust I shall soon be empowered to signify His Majesty's pleasure to you, to carry into execution such measures as will not only relieve His Majesty's new subjects from the uncertain and consequently unhappy situation they are now in; but give them entire satisfaction for the future, by securing them their property upon a stable foundation, and rendering the colony more flourishing and happy than it has ever been."

Carleton to Shelburne, April 12th, 1768: "The Canadian tenures of lands differ from those in the other parts of His Majesty's American dominions, but if confirmed, and I cannot see how it well can be avoided without entirely oversetting the properties of the people, will ever secure a proper subordination from this province to Great Britain; if its detached situation is constantly remembered, and that on the Canadian stock only we can depend for an increase of population therein, the policy of continuing to them their customs and usages will be sufficiently evinced.

Carleton to Hillsborough, November 20th, 1768: "When I reflect that France, naturally, has the affection of all the people of this province; that, to make no mention of fees of office and the vexations of the laws, we have done nothing to gain one man in the province, by making it his private interest to remain the King's subject; and that the interest of many would be greatly promoted by a revolution, I own my not having discovered a treasonable correspondence, never was proof sufficient to convince me that it did not exist in some degree, but I am inclined to think, if such a message had been sent, very few were entrusted with the secret; perhaps the court

of France, informed a year past by Mr. de Chatelet, that the King purposed raising a regiment of his new subjects, caused this piece of intelligence (a letter alluding to a supposed meeting of military men in Canada) to be communicated, to create a jealousy of the Canadians, and prevent a measure that might fix their attachments to the British government, and probably, of those savages who had always acted with them. However that may be, on receiving this news from France last spring, most of the gentlemen in the province applied to me and begged to be admitted into the King's service, assuring me that they would take every opportunity to testify their zeal and gratitude for so great a mark of favour and tenderness, extended not only to them, but to their posterity.

"When I consider, further, that the King's dominion here is maintained but by a few troops, necessarily dispersed, without a place of security for their magazines, for their arms, or for themselves, amidst a numerous military people, the gentlemen all officers of experience, poor, without hope that they or their descendants will be admitted into the service of their present sovereign, I can have no doubt that France, as soon as determined to begin a war, will attempt to regain Canada, should it be intended only to make a diversion, while it may reasonably be undertaken with little hazard, should it fail, and where so much may be gained, should it succeed. But should France begin a war in hopes that British colonies will push matters to extremities, and she adopts the project of supporting them in their independent notions, Canada probably will then become the principal scene where the fate of America may be determined. Affairs in this situation, Canada in the hands of France would no longer present itself as an enemy to the British colonies, but as an ally, a friend, and a protector of their independency. Your Lordship must immediately perceive the many disadvantages Great Britain would labour under in a war of this nature. And on the other hand, how greatly Canada might for ever support the British interests on this continent, for it is not united in any common principle, interest, or wish with the other provinces, in opposition to the supreme seat of government."

In answer to this letter Lord Hillsborough wrote to Carleton: "The remarks you make upon the state and temper of His Majesty's new subjects

will be of great utility in the consideration of the measures now under consideration, and do evince both the propriety and necessity of extending to that brave and faithful people a reasonable participation in those establishments, which are to form the basis of the future government of the colony of Quebec; but I fear that the spirit of the laws of this kingdom, as well as the general prejudices of mankind, and the dispositions that appear in all parties and factions to make every measure, however well considered and intended, the foundation of clamour and opposition, it will hardly be practicable to extend such participation to the military line, although, for my own part, I clearly see and agree in opinion with you that great advantages be deducted both to the colony and to the mother country for an establishment of that sort, under proper regulations." In brief the suggestion ought to be carried out, but we shall take no steps of the kind for fear of the opposition in the House of Commons.

In a report written at that time, Carleton gives a statement of the industrial condition of the province. Much flax was grown and worked into coarse linen for home wear; mixed with wool it produced the rough cloth known as linsey-woolsey. One-third of the population was clothed with goods of home manufacture. Caps, it seems, were imported. Everything else could be obtained in the province, though leather was badly tanned and the better kinds of boots and shoes were brought from the neighbouring colonies. At the St. Maurice forges edged tools were made and many other utensils. Pearl ashes and potash were obtained in the course of clearing away the forest, though the amount produced was as yet small. With the coming of peace the *habitants* had been left free to devote their time more closely to the soil, and the clearing and cultivation of land was rapidly extended. There was apparently a fair amount of farm stock, horses, cattle, sheep and swine, in the province, and, though ready money was scarce, the people were "at their ease and comfortable."

Before his appointment in 1766 as temporary governor-in-chief, Carleton had spent some time in the colony as an officer of the regular forces, having come with the army of Wolfe, and he was, therefore, fully conversant with the unsatisfactory condition of things. His personal inclination was towards the restoration of French law for the decision of all civil cases.

One difficulty, however, lay in the fact that the so-called civil law was not accessible in written form; it consisted not only in the Custom of Paris, but of the whole mass of edicts, ordinances, declarations, and decrees which had been issued either to supplement or to modify the Custom. As a first step, the governor requested a number of "Canadian gentlemen well skilled in the laws of France" to make a compilation of the civil laws of the French period, in order that at least the most important of them might be rendered accessible. This work was done during the next half-dozen years. It was issued in four parts. The last one and the most difficult to prepare was by François Joseph Cugnet, secretary to the governor and council for the French language. All four parts were published in London in 1772-1773, and after the re-establishment of French civil law in 1774, this compilation became a standard for the courts.

The governor had now come to the conclusion that the concurrence of the home authorities in his own plans could be secured only by a personal visit to England, and he obtained a short leave for that purpose. He left Quebec in August, 1770, with the intention of being absent about six months, but various circumstances combined to keep him there for four full years—the affairs of the colony being administrated meantime by a lieutenant-governor, the Honourable Hector Theophilus Cramahé.

CHAPTER XV.

Preparation of the Quebec Bill, 1770-1774—Petitions pro and con—American ideas adopted by a certain party in Canada—Passing of the Quebec Act, May, 1774—The importance of that measure—Carleton returns to Quebec, September, 1774—Alarming news from the neighbouring colonies.

On his arrival in England, the governor laid the question before the authorities and recommended action. Immediate decision upon a matter so important was not easy to secure, nevertheless, the Board of Trade agreed to advise the expediency of allowing further grants *en seigneurie* in the colony, and this was done by an order in council of the 27th of June, 1771. Practically, the importance of this action was not great. During the following years, there were numerous applications for grants of land, but in a very few cases were grants of seigniories desired; almost invariably the applicants asked for concessions in free and common socage. The order in council is valuable mainly as showing that the authorities had come to the determination, not only to preserve intact the seigniorial system of the French era, but to give opportunity for its further extension.

The work for the preparation of the Quebec Bill can be studied in the volume of the Canadian Archives for 1906.

Here is a petition signed in 1770 and which followed Carleton to England:—

“Encouraged by your royal proclamation of the 7th of October, 1763 . . . that you had been graciously pleased to give direction to your governor, that so soon as the state and circumstances (of the province) would admit, he should with the advice of the members of the council, call a general assembly within the said government, in such manner as is used in the provinces of America under Your Majesty’s immediate government, your petitioners most humbly implore Your Majesty’s gracious attention to

their supplications. . . . As the great source of the wealth and riches of a country principally consists in the number of its inhabitants usefully employed, your petitioners cannot but lament that great numbers of Your Majesty's new subjects in this province for want of such public encouragement as an assembly only can properly give to improve its natural advantages, have hitherto proved rather a burthen than a benefit to themselves or advantage to the community; their extreme poverty and misery increasing with their numbers. Your Majesty's British subjects residing in this province have set examples and given every encouragement in their power to promote industry. They are the principal importers of British manufactures, carry on three-fourths of the trade of this country, annually returning a considerable revenue into Your Majesty's exchequer in Great Britain; and though the great natural advantages this country is naturally capable of are many and obvious for promoting the trade and manufactures of the mother country, yet for some time past, both its land and commercial interests have been declining and if a general assembly is not soon ordered by Your Majesty to make and enforce due obedience to laws for encouraging agriculture, regulating the trade and discouraging such importations from the other colonies as impoverish the province, your petitioners have the greatest reason to apprehend their own ruin as well as that of the province in general. There is now a sufficient number of Your Majesty's Protestant subjects residing in and possessed of real property in this province, and who are otherwise qualified to be members of a general assembly. (Signed) Henry Taylor, James Sinclair, Alexander Henry, George King, Lauch Smith, Jonas Clarke Minot, John Porteous, James McGill, George Gregory, Alexander Paterson, Lawrence Ermatinger, Richard Dobie, John Aitkin, Simon Fraser, John Fine, J. Fraser, Murd. Stuart, Aaron Hart, Edward Harrison, James Stanley Goddard, John Paterson, Isaac Todd, Alexander Martin, Charles Grant, John Lees, Zachary Macaulay, John McCord, P. Fargues, John Renaud, Abraham, Ogier, John Durss."

This petition of "freeholders, merchants and traders in the Province of Quebec" resembles somewhat the famous "we the people of England" signed by the nine tailors of Tooley St. Not satisfied with a share (three-fourths) of the trade of the province, they aspire to form a legislative

body among themselves, and so make laws, etc.—agreeably to their own interests, without minding the bulk of the population who seem to be fit only to buy goods from these merchants and otherwise amount to nothing.

The same year, 1770, another petition, this one from the leading Canadian families, was sent to the King. It read as follows:—

“From the moment of the union of this province to the dominion of your Crown, your most humble servants have taken the liberty of frequently representing to you of what importance to their interests it was to be judged and governed according to the laws, customs and regulations under which they were born, which serve as the basis and foundation of their possessions, and are the rule of their families and how painful and at the same time how humiliating it has been to them to be excluded from the offices which they might fill in this province, for the service of Your Majesty and the comfort of your Canadian people—the only way to excite emulation.

“From the different mode of procedure, both as regards form and essence in civil affairs, and from the exorbitant fees exacted by the lawyers, there has ensued the ruin of a considerable number of families. Your Canadian people, sire, who are already overwhelmed by so many other calamities, had no need of this further misfortune.

“Could the religion we profess, and in the possession of which it has pleased Your Majesty to assure us that we shall never be disturbed . . . be a reason for excluding so considerable a number of your submissive and faithful children from participation in the favour of the best of Kings? . . . Your Canadians will always have for your august person the most perfect love, the greatest submission. (Signed) Lanaudière, Rigauville, Perrault, Perras, Panet, Marcoux, Lannier, Guérard, Dénéchaud, Soupiran, Manville, Saillant, Riverin, Langlois, Duchesnay, Louis Lizot, Alexis Jean, Parant, Pelerin, Beaubien, Boisseau, Courval, Joseph Duval, Berthelot, Marchand, Guichau, Louis Turgeon, J .B. Dufour, Charles Voyer, Descheaux, A. Dalciat, P. Foulard, Dufau, F. Bellet, Guillemard, Lecompte-Dupré, A. Raby, Amiot, De Léry, F. J. Cugnet, Rousseau, Lajus, Borneau, Corbin, Mignot, Sicard, Bouchard, Frémont, etc.”

These names represent the educated class of the time, which had identi-

fied itself with the interests of the population for a long series of years and had mutual confidence in each other. To them we owe the quiet state of the province during the period of uneasiness previous to the Quebec Bill of 1774. They were the advisors of the people and their efforts, combined with those of the clergy, kept every one peaceable—meantime the educated class did the needful as regards public interests.

Up to the time of the invasion of Canada by Arnold, Walker took the lead in Montreal in getting up memorials for a House of Assembly, and attempted, but unsuccessfully, to win over the Canadians to his side. In November, 1773, it was resolved by the followers of Walker to send him and Zachary Macaulay to London, and they sailed accordingly soon after, furnished with a letter of introduction to Francis Maseres, ex-attorney-general of Canada, who, on the 4th January, 1774, transmitted the petition for a House of Assembly to Lord Dartmouth, with a very cautiously worded letter, disclaiming responsibility for its terms. The petition was not favourably entertained by His Lordship, who wrote to Lieut.-Governor Cramahé on the 6th April, that the object was factious and that it was calculated and intended to interfere with the passage of the Quebec Act to be brought before Parliament at the approaching session.

In a letter from Cramahé to Dartmouth he states that the English-speaking residents in Canada “have in general adopted American ideas in regard to taxation, and a report, transmitted from one of their correspondents in Britain, that a duty upon spirits was intended to be imposed here by authority of Parliament, was a principal cause of inciting them to petition for an assembly and endeavouring to engage their fellow subjects to join therein.” For this purpose they met at the house of Miles Prenties, inn-keeper in the upper town of Quebec, in November, 1773, under the direction of John McCord, a dealer in spirituous liquors, and a committee was formed composed of Thomas Walker, Zachary Macaulay, William Grant, Charles Grant, Jenkin Williams, John Wells, Malcolm Fraser, Peter Fargues, Anthony Vialars and John Lees. The petition was sent to Lieut.-Governor Cramahé, who refused to receive it, but they forwarded the same to Maseres in London, and it passed into the hands of Lord Dartmouth as noted above. Maseres says on that subject (January 4th, 1774): “I told Mr.

Thomas Walker and Mr. Macaulay, when I saw them last winter in London, that I thought that a legislative council, consisting only of Protestants, and much more numerous than the present one, and made perfectly independent of the governor, so as to be neither removable nor suspendible by him upon any pretence, but only removable by the King in council, would be a better instrument of government for that province than an assembly, for seven or eight years to come, and until the Protestant religion and English manners, laws and affections shall have made a little more progress there.” The Canadians of Quebec and Montreal having been invited in due time to sign this petition had refused to do so, therefore, out of ninety who put their names to it, only two seem to have been Canadians, and Cramahé writes the following remarks about the whole: “There are not above five of them who can be properly styled freeholders, and the value of four of these freeholders is very inconsiderable. The number of those possessing houses in the towns of Quebec and Montreal, or farms in the country, held of the King or some private seigneur, upon paying a yearly acknowledgment, is under thirty. . . . The whole of this transaction sufficiently evinces how necessary it is to give power and activity to the government of this province. The Canadians are tractable and submissive, but if matters were to remain here much longer in the loose way they are in at present, there is too much reason to apprehend that it might be attended with bad effects. A confirmation of their laws of property, and rights of inheritance, after which they most ardently sigh, would be most satisfactory to them all, and prove a very great means of attaching the Canadians effectually to His Majesty’s royal person and government.”

Another petition was signed in December, 1773, by sixty-five Canadians of the best families in the district of Montreal, in which it is stated: “Our gratitude obliges us to acknowledge that the fearful apprehension of the result of conquest by Your Majesty’s victorious arms did not long continue to excite our lamentations and tears. They grow every day less and less as we gradually become more acquainted with the happiness of living under the wise regulations of the British empire. And even in the very moment of the conquest, we were far from feeling the melancholy effects of restraint and captivity. For the wise and virtuous general who conquered

us, being a worthy representative of the glorious sovereign who entrusted him with the command of his armies, left us in possession of our laws, and customs; the free exercise of our religion was preserved to us, and afterwards was confirmed by the treaty of peace; and our own former countrymen were appointed judges of our disputes concerning civil matters. This excess of kindness towards us we shall never forget. These generous proofs of the clemency of our benign conqueror will be carefully preserved in the annals of our history, and we shall transmit them from generation to generation to our remotest posterity. These are the pleasing ties by which, in the beginning of our subjection to Your Majesty's government, our hearts were strongly bound to Your Majesty; ties which can never be dissolved, but which time will only strengthen and draw closer.

“In the year 1764 Your Majesty thought fit to put an end to the military government of this province, and to establish a civil government in its stead. From the instant of this change we began to feel the inconveniences which resulted from the introduction of the laws of England, which till then we had been wholly unacquainted with. Our former countrymen, who till that time had been permitted to settle our civil disputes without any expense, were thanked for their services and dismissed. The militia of the province, which had till then been proud of bearing that honourable name under Your Majesty's command, was disbanded. It is true, indeed, we were admitted to serve on juries, but at the same time we were given to understand that there were certain obstacles that prevented our holding places under Your Majesty's government. We were also told that the laws of England were to take effect in the province, which, though we presume them to be wisely suited to the regulation of the mother country for which they were made, could not be blended and applied to our customs without totally overturning our fortunes and destroying our possessions. These innovations have been ever since the date of that change in the government, and are still at this time, our just causes of uneasiness and apprehension; which, however, we acknowledge to be rendered less alarming to us by the mildness with which Your Majesty's government has been administrated.”

In a memorial annexed to this petition are the following paragraphs: “We ardently desire to be admitted to a share of the civil and military

employments under His Majesty's government. The thought of being excluded from them is painful to us. We have taken the most solemn oath of fidelity to His Majesty and the august family of Hanover; and ever since the conquest of this country, we have behaved as his loyal subjects. And our zeal and attachment to our gracious sovereign will make us always ready to sacrifice our lives for his glory and the defence of the State.

"The province, as it is now bounded by a line through the 45th degree of north latitude, is confined within too narrow limits. This line is only fifteen leagues distant from Montreal, and yet it is only on this side that the lands of the province are fertile, and that agriculture can be pursued to much advantage. We desire, therefore, that as under the French government our colony was permitted to extend over all the upper countries known under the name of Michillimakinac, Detroit and other adjacent places, as far as the River Mississippi, so it may now be enlarged to the same extent."

Dartmouth to Cramahé, December 1st, 1773: "There is no longer any hope of perfecting the plan of policy in respect to the interior country, which was in contemplation when the proclamation of 1763 was issued. Many circumstances with regard to the inhabitancy of parts of that country were then unknown." In brief, the abrogation of the instrument of 1763 had become obvious. No government is so well disposed as the British Parliament to make a clean sheet of law and start anew, in case of necessity. On this occasion, Parliament had nothing to revoke of its own doing since the proclamation and ordinances had been issued by the King and the governor, two doubtful authorities in the matter. Parliament was called for the first time to legislate in regard to Canada. The Act of 1774 should have been passed in 1763, instead of the proclamation, to avoid misunderstanding and uneasiness, but it is hardly possible to imagine that it would have been better than the proclamation at that time—for want of experience in dealing with the new colony. Anyway it came just at the proper hour to pacify the people and prevent the propagation of the American ideas. Singularly enough also, the country was soon after saved to the

British interests by the attitude of the Canadians against the British settlers who would have gone soul and body to the other side if they could.

Murray, Carleton, Chief Justice Hey, Mr. de Lotbinière and others, were examined before a Parliamentary committee, and every effort was made to ascertain what was best for the administration of the colony. It was finally decided that the British minority ought not to be allowed to set up an assembly of men selected from themselves to rule the country, and that the laws to which the Canadians were accustomed should be restored.

The Quebec Bill was introduced in the House of Lords by Lord Dartmouth, May 2nd, 1774. There were two bills in fact: one granting a constitution to the province of Quebec; the other provided a revenue for defraying the expenses for the administration of justice and support of the civil government, by the imposition of certain duties on spirits and molasses, which duties were in lieu of others enjoyed by the French King previous to the conquest. They were, however, in the total but inconsiderable and far short of the amount annually required for the purpose to which they were appropriated, the deficiency being supplied from the Imperial treasury.

"The debates in Parliament developed considerable opposition. One of the points emphasized was that, since the French civil code made no provision for jury trials, questions involving important interests, such as titles to land, would, under the new bill, be decided by a judge alone. Indeed, the French civil procedure in general did not commend itself to most Englishmen. Under that system the evidence in a case was taken at a court of inquiry at which no judge was present; the record of the evidence and exhibits was then laid before the judge, who was addressed by the advocates of the opposing parties on the matter contained in it and on the points involved in the case. The judge did not come into contact with the witnesses. Now, while this procedure differed very decidedly from that followed in civil cases at English law, it did not differ so much from English actions at equity; but this seems to have been overlooked by those who opposed the legal provisions of the bill in Parliament."*

*Munro: *Seigniorial System*, p. 210.

Several limitations inserted in the bill indicated that for the present the British authorities desired to retain a large measure of control over the province. During the debates in Parliament, Solicitor-General Wedderburn said that he did not believe in the theory of granting Canada a high degree of liberty. Edmund Burke observed the Canadians had not expressed any repugnance for the trial by jury, and that the bill contained nothing on that subject. "I see you wish the Canadians to follow the French régime perpetually." Lord Chatham wanted to impose the oath of supremacy of Queen Elizabeth, because the governor might be inclined to appoint Catholics only to his council. Lord North—Prime Minister—drew attention to the 150,000 Roman Catholics compared with some 160 Protestant families in the province, very few of the latter being land owners. As for an assembly, he adds, if it is granted, "it will be nothing else than a Catholic body. The seigneurs may enter the council, I am not uneasy about them. It is not for us to dictate their laws. Let them make use of laws which they understand. They can always modify or change them afterwards, if they wish."

The English-speaking residents in the province were no more than three hundred and fifty, according to Carleton, but that is probably an underestimate.

The Act states that the provisions of the proclamation of 1763 had been found unsuited to the circumstances of the province, because the Canadians profess the religion of the Church of Rome and enjoyed an established form of constitution and system of laws (at the time of the conquest) by which their persons and property had been protected, governed, and ordered for a long series of years. Then comes the delimitation of the province:—

To the east, Labrador, Anticosti and a number of small islands in the Gulf of St. Lawrence, which had previously been under the government of Newfoundland, were added to Quebec, and remained part of that province until 1809. To the west, the territory was extended to the Mississippi. South, it included all the regions north of the Ohio. North, it embraced the lands of the Hudson's Bay Company. The people in the annexed regions, both east and west, were Canadians and Indians.

Owners of land might bequeath their real property according to English rules of bequest, if they chose to do so.

In all matters relating to property and civil rights the old laws and customs of Canada should prevail, but the legislative council had power to alter this provision if it should be found expedient.

The members of the legislative council were to be appointed by the Crown from persons resident in the province; their number: not less than seventeen, nor more than twenty-three. The right to levy taxes was withheld. The towns might be allowed to tax themselves for the purpose of local improvement. No ordinance of the council touching religion was to be valid until assented to in England.

The reasons for not calling an assembly are not stated in the Act. The reader is aware already of all the arguments invoked, pro and con, the creation of such a body since 1763. It was thought unjust to impose upon the Canadians an assembly of "representatives" so long as the harsh laws of England against Roman Catholics precluded them from being elected to it. Parliament, besides, did not wish to create a power composed of men who were suspected of favouring the claims of the neighbouring colonies.

The laws of England which debarred Roman Catholics from holding any public office because of their religion, were declared inapplicable to Canada. A simple oath of allegiance was substituted for the oath, required to be taken by His Majesty's Protestant subjects. Consequent on this declaration the governor called to his assistance eight Roman Catholic councillors, a minority to be sure, but a minority whose opinion had to be respected in all matters of administration.

As the certainty and lenity of the English criminal law, and the benefit resulting from its use, had been sensibly felt by the inhabitants, that law was therefore continued.

"For the more perfect security and ease of the minds of the inhabitants of said Province of Quebec it is hereby declared that His Majesty's subjects professing the religion of the Church of Rome of and in the said province, may have, hold, and enjoy, the free exercise of the religion of the Church of Rome, subject to the King's supremacy, declared and established by an Act made in the first year of the reign of Queen Elizabeth over all

the dominions and countries which then did, or thereafter should belong, to the Imperial Crown of this Realm; and that the clergy of the said church may hold, receive, and enjoy their accustomed dues and rights, with respect to such persons only as shall profess the said religion."

"No person, professing the religion of the Church of Rome, and residing in the said province, shall be obliged to take the oath required by the said statute passed in the first year of the reign of Queen Elizabeth, or any other oaths substituted by any other Act in the place thereof; but that every such person, who by the said statute, is required to take the oath therein mentioned, shall be obliged, and is hereby required, to take and subscribe the following oath, before the governor, or such other person in such Court of Record as His Majesty shall appoint, who are hereby authorized to administer the same; *videlicet*, I, A.B., do sincerely promise and swear that I will be faithful, and bear true allegiance to His Majesty King George, and him will defend to the utmost of my power, against all traitorous conspiracies and attempts whatsoever, which shall be made against his person, crown and dignity; and I will do my utmost endeavour to disclose and make known to His Majesty, his heirs and successors, all treasons and traitorous conspiracies and attempts, which I shall know to be against him, or any of them; and all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any power or person whomsoever to the contrary."

"All His Majesty's Canadian subjects, within the Province of Quebec, the religious Orders and communities only excepted, may hold and enjoy their property and possessions, together with all customs and usages relative thereto, and all other their civil rights, is as large, ample, and beneficial manner, as if the said proclamation, commissions, ordinances, and other Acts and instruments, had not been made, and as may consist with their allegiance to His Majesty, and subjection to the Crown and Parliament of Great Britain; and that in all matters of controversy relative to property and civil rights, resort shall be had to the laws of Canada, as the rule for the decision of the same; and all causes that shall hereafter be instituted in any courts of justice, shall, with respect to such property and rights, be determined agreeable to the said laws and customs of Canada,

until they shall be varied or altered by any ordinances that shall, from time to time, be passed in the said province by the governor, lieutenant-governor, or commander-in-chief, for the time being, by and with the advice and consent of the legislative council of the same."

The following remarks have their place here:—

"Whether the Quebec Act is viewed as a public declaration that Canadians were to enjoy the largest measure of religious toleration or whether it is viewed as an act of diplomacy to foster their attachment to the British Crown, or whether it is taken as a declaration of partnership deliberately formed between His Majesty and his new subjects for the better government of the country, it is a remarkable historical document. Certainly no Act of the British Parliament affecting one of her colonies ever displayed more foresight and statesmanship, and although it may not be that we owe the permanency of our Canadian possession to the passing of that Act, it is more than probable that had the British Parliament not adopted the conciliatory spirit towards the Canadians, of which it was the expression, the destiny of Canada might have been completely changed. To lose the loyal attachment of the Canadian clergy and the Canadian habitant was to lose Canada, and were it not for the concessions of the Quebec Act it is more than probable that the French Canadian would have listened to the appeals made by the revolting colonies, rather than submit to laws that deprived him of the ordinary privileges of citizenship."*

"Perhaps the most important of the criticisms offered against the bill was that of the framers of the Declaration of Independence, who enumerated among the arbitrary and injudicious acts of the home authorities that of "abolishing the free system of English law in a neighbouring province." It may very well be doubted, however, whether any other course would have been expedient. The attempt to impose English law relating to civil rights upon the province had failed miserably, and the endeavour to retain parts of the two systems side by side had produced legal chaos of the worst sort. It is, therefore, not strange that the home authorities should have decided to adopt the third alternative, that of restoring the old system. On the assumption that Quebec would for all time remain predominantly French

*Honourable G. W. Ross: *Historical Significance of the Plains of Abraham*, p. 7.

in language, traits, and traditions, their decision was neither unnatural nor unreasonable. It certainly was not reached hastily, or without due consideration of objections from every quarter.”*

At the same session of Parliament was passed another Act to establish a fund towards defraying the charges of the administration of justice, and the support of the civil government of the province: “Whereas certain duties were imposed by the authority of His Most Christian Majesty, upon wine, rum, brandy, eau-de-vie de liqueur imported into Canada; and also a duty of three pounds *per centum ad valorem*, upon all dry goods imported into, and exported from said province, which duties subsisted at the time of the surrender of the province . . . and whereas it is expedient that the said duties be discontinued, and that in lieu other duties should be raised . . . there shall, from and after the 5th day of April, 1775, be raised . . . over and above all other duties now payable in said province, the several rates and duties following:—

For every gallon of brandy, or other spirits, of the manufacture of Great Britain, 3 pence sterling.

For every gallon of rum, or other spirits, which shall be imported or brought from any of His Majesty’s sugar colonies in the West Indies, 6 pence.

For every gallon of rum, or other spirits, which shall be imported or brought from any of His Majesty’s colonies or dominion in America, 9 pence.

For every gallon of foreign brandy, or other spirits, of foreign manufacture, imported or brought from Great Britain, 1 shilling.

For every gallon of rum, or spirits of the produce or manufacture of any of the colonies or plantations in America, not in the possession or under the dominion of His Majesty, imported from any other place, except Great Britain, 1 shilling.

For every gallon of molasses and sirops, which shall be imported or brought into the said province, in ships or vessels belonging to His Majesty’s subjects in Great Britain or Ireland, or to His Majesty’s subjects in the said province, 3 pence.

*W. B. Munro: *Seigniorial System*, p. 210.

For every gallon of molasses and sirops, which shall be imported or brought into the said province, in any other ships or vessels, in which the same may be legally imported, 6 pence.

Houses of public entertainment, and retailers of liquors, to pay each 1 pound 16 shillings as a license.

“Nothing in this Act shall extend, discontinue, determine, or make void, any part of the territorial or casual revenues, fines, rents or profits whatsoever which were reserved to, and belonged to His Most Christian Majesty, before and at the time of the conquest and surrender thereof to His Majesty the King of Great Britain; but that the same, and every of them, shall remain and be continued to be levied, collected, and paid, in the same manner as if this Act had never been made; and anything therein contained to the contrary notwithstanding.”

Carleton arrived at Quebec on the 18th September, 1774, and wrote to Dartmouth on the 23rd that “His Majesty’s Canadian subjects are impressed with the strongest sense of the King’s great goodness towards them in the late Act of regulation for the government of this province. All ranks of people amongst them vied with each other in testifying their gratitude and respect, and the desire they have by every mark of duty and submission to prove themselves not undeserving of the treatment they have met with.”

Less than twenty hours after his arrival the governor received a letter from General Gage, dated Boston, 4th September, in which he said that the situation of affairs around him was such that he wished for the despatch from Canada of the 10th and 52nd regiments, but he did not know whether Carleton would feel secure to remain with only the Fusiliers in Quebec, part of the 26th regiment in Montreal, and the small detachments at Three Rivers and Chambly. He also asked if a body of Canadians and Indians could be raised and sent to him. The reply was that the 10th and 52nd regiments would go immediately to Boston *via* the gulf, and that the formation of a Canadian regiment was the very thing that they desired. Carleton himself had more than once pointed out the expediency of taking such action in this matter.

The first American Congress met in Philadelphia, September 5th, 1774,

and on the 26th of the following month invited the Canadians to send delegates to represent their province in the Continental Congress.

The passing of the Quebec Act afforded a pretext to the discontented in Montreal, headed by Thomas Walker to lend encouragement to the Congress of the American colonies, after it had met and agreed on certain resolutions. Montreal was evidently the focus of discontent, owing to the comparatively large number of Americans who had settled there and the constant intercourse they maintained with New England. A deputation proceeded to Quebec, and in November, 1774, succeeded in inducing a number of the English-speaking people of that place to sign a petition to the King, in which the Act was described as one disgraceful to them as British subjects, and ruinous to their interests.

CHAPTER XVI.

Addresses, petitions, political agitation—Uneasiness of the Canadians on account of the American sympathizers—First attack on Canada by Congress troops, May, 1775—Formation of the legislative council—Martial law proclaimed, June, 1775—No militia organization—Very few regular troops—The Canadians wish to be neutral—Taking of Chambly, St. John's, Sorel, Montreal and Three Rivers by the Americans, autumn of 1775—Siege of Quebec, winter of 1775-1776—Arrival of British troops, May, 1776—American forces retire.

The passing of the Quebec Bill in 1774 and the American invasion of 1775 are two events following each other so closely and, in regard to Canada, so much linked together, that they form but one chapter, although we have preferred to separate them into two parts.

Carleton to Dartmouth, November 11th, 1774: "The most respectable part of the English residing in this place (Quebec), notwithstanding many letters received from home, advising them to pursue a different course, have presented an address expressive of their wish to see universal harmony and a dutiful submission to government continues to be the characteristic of the inhabitants of this province, and assuring me that nothing should be wanting, upon their part, to promote so desirable an end. I believe most of those who signed this address were disposed to set up their declaration, which probably would have been followed by those who did not, if their brethren at Montreal had not adopted very different measures.

"Whether the minds of the latter are of a more turbulent turn, or that they caught the fire from some colonists settled among them, or in reality letters were received from the General Congress, as reported, I know not; certain it is, however, that shortly after the said Congress had published in all the American papers their approbation of the Suffolk County Resolves (September 9th), in Massachusetts, a report was spread at Montreal that

letters of importance had been received from the General Congress. All the British there flocked to the coffee house to hear the news. Grievances were publicly talked of, and various ways for obtaining redress proposed, but that government might not come to a true knowledge of their intentions, a meeting was appointed at the house of a person then absent, followed by several others at the same place, and a committee of four named, consisting of Mr. Walker, Mr. Todd, Mr. Price and Mr. Blake, to take care of their interests and prepare plans for redress.

“Mr. Walker . . . takes the lead, and is not unmindful of his friend Mr. Maseres upon the occasion. Their plans being prepared and a subscription commenced, the committee set out for Quebec, attended in form by their secretary, a nephew of Mr. Walker, and by profession a lawyer. Immediately upon their arrival here, their emissaries having prepared the way, an anonymous summons was posted up in the coffee house for all the British subjects to meet at a particular tavern, and a messenger sent round with a verbal notice to such as might not have seen the written summons. At this first meeting a committee of seven, consisting of Mr. John Paterson, since gone to London, Mr. Zachariah Macaulay, Mr. John Lees, senior, said to intend going home this fall, Mr. John Aitkin, their treasurer, Mr. Randal Meredith, Mr. John Welles, and Mr. Peter Fargues, was appointed to prepare and adjust matters with those of Montreal. Several discreet people at Quebec and Montreal declined attending those meetings, as soon as they discovered what they aimed at.

“There have been several town meetings since, as they are pleased to style them, and meetings of the joint committees, at which it is said, they resolved to write letters of thanks to the mayor and corporation of London, to some of the merchants in the city, and to Mr. Maseres, for having taken the province under their protection, and praying a continuance of their zealous endeavours in so good a cause. They intend a handsome present in cash to Mr. Maseres, with the promise of a larger sum, in case he succeeds. Petitions are likewise to be presented to the King, to the Lords, and to the Commons, but of all this I speak doubtfully, as they have taken uncommon pains to keep their whole proceedings from my knowledge.

“This much is certain, that the Canadians feel some uneasiness at these

proceedings. They are surprised that such meetings and nocturnal cabals should be suffered to exert all their efforts to disturb the minds of the people by false and seditious reports, calculated to throw this province into the same disorders that reign in the other parts of this continent. They express some impatience and indignation at being solicited to join in such proceedings and are not without their fears, that some of their countrymen, under the awe of menacing creditors, and others from ignorance, may have been induced to put their hands to a paper, which, they are assured, is intended to secure their lands and property, and take from the governor the power of seizing them to his own use, or sending them and their families up the country among the savages, or waging war at his own pleasure upon the Bostonians, in short to relieve them from the oppression and slavery imposed upon them by those Acts of Parliament. They are the more apprehensive these and such like reports may have had effect upon some weak and ignorant people, that from the precision necessary in the translation, the Acts themselves have not as yet been promulgated.

“I have assured the Canadians that such proceedings could never affect the late measures taken in their favour, nor did I believe they ever would succeed with government upon any occasion, so that they might remain in perfect tranquillity upon that account.

“Notwithstanding my thorough conviction of the assurances I have given them, and that all these town meetings, all the reports, breathing that same spirit, so plentifully gone forth through the neighbouring provinces, can for the present only excite a trifling and momentary agitation, I cannot but regret such examples should be set to the people of this province, and think government cannot guard too much or too soon, against the consequences of an infection, imported daily, warmly recommended, and spread abroad by the colonists here, and indeed by some from Europe, not less violent than the American. I am informed all persons from Boston for Canada are searched for letters and strictly examined, if they have any verbal message from General Gage for me, so that I am not likely to hear from the General before the navigation opens next summer.”

For a long time there had been friction between Great Britain and her colonies in America. Those who left England to seek new homes across the

Atlantic were self-reliant men, and from early colonial days they had shown a desire to manage their own political affairs without outside interference. Their assemblies had long been in a state of chronic antagonism toward the governors and officials sent from England. Taxation imposed by the mother country was particularly repulsive to them. During and after the war of 1744-1763, the British troops gave offence to the "colonials" on several occasions. In their dealings with the people, officers and soldiers assumed a tone of superiority which seems to have rankled deep in the breasts of that democratic community. Under the law all commerce by sea, including the coasting trade of America, had to be carried in British ships. When the first resistance in arms—after exhausting all arguments—was made in the port of Boston, George III. adopted rigorous measures to subdue the "rebels." That monarch was then almost an autocrat in his government. His ministers were selected by himself. No one of them was responsible to Parliament.

After the British ministry had found that the Americans would not submit to the Stamp Act (1765), they tried putting a small duty or tax upon tea and some other articles entering the country, but many of the colonists said that while their representatives were not allowed to sit in the British Parliament, they would not pay taxes ordered by it; and they banded together not to buy goods from England till these taxes were taken off. Several times, and in different places the people became so angry that they mobbed the government officials, broke the windows of those who sided with them, and did other lawless things.*

The troubles between Great Britain and her colonies had not excited much interest in Canada, except among the few English-speaking people of Quebec and Montreal. The majority of these being immigrant traders from the older colonies, sympathized with the Americans as they were sometimes called. The Canadians, brought up under an absolute rule, were naturally on the side of authority embodied in the governor, his council and his troops, but, weary of war, they now desired to stand neutral.

The singular conduct, or rather the duplicity of the American Congress prevented the Canadians from listening to their proposals. That body

*Emily P. Weaver: *A Canadian History for Boys and Girls*, p. 122.

issued two addresses: one to the people of England complaining of the passing of the Quebec Act because it was a concession to the French Catholics of that country; the other sent direct to the Canadians to put them on their guard against the same Act: "a specious device, a painted sepulchre for burying your lives, liberty and property," and "we are too well acquainted with the liberality of sentiment distinguishing your nation to imagine that difference of religion will prejudice you against a hearty amity with us." The Canadians made a comparison of the two addresses at leisure.

The petitions to the King, Lords, and Commons were received by Maseres in London about the 12th of January, 1775, and delivered by him to the proper parties. The British element in the province complained that they were deprived of the protection of the writ of habeas corpus and of trial by jury; and said that a general assembly was a necessity. The signatures are given here in alphabetical order:—

John Aitkin, Francis Anderson, James Anderson, Peter Arnoldi, Wm. Ashby, Francis Atkinson, Nicolas Bayard, J. Beck, John Bell, Jean Bernard, Joseph Bindon, Jacob Bittez, James Blake, John Blake, Josiah Bleakley, John Bondfield, Joseph Borrelee, D. Bouthillier, Lemuel Bowles, Thomas Boyd, Nicolas Brown, William Callander, Daniel Cameron, Lewis Chaperon, Edward Chinn, John Chisholm, John Comfort, John Connolly, Christy Cramer, Henry Crebassa, Christ. Cron, Robert Cruickshank, James Cuming, Duncan Cumming, Charles Daily, Lazarus David, Thomas David, jr., George Dawson, Richard Dobie, James Doig, C. Dumoulin, François Dumoulin, Henry Dunn, John Durocher, William England, Lawrence Ermatinger, P. Fargues, James Finlay, Richard Flanagan, David Sales T. Frank, George Davison, Alexander Fraser, James Fraser, Malcolm Fraser, Simon Fraser, Simon Fraser, jr., Thomas Fraser, Benjamin Frobisher, Joseph Galbraith, David Geddes, Benaiah Gibb, Hinrich Gonnermann, Charles Grant, J. Grant, George Gregory, James Hanna, John Hare, jr., Aaron Hart, Alexander Hay, Andrew Hays, William Haywood, Jacob Vander Heyden, Benjamin Holborn, Abram Holmes, Samuel Holmes, Joseph Ingo, Samuel Jackson, Robert Jackson, N. Janis, James Jeffry, George Jinkins, J. Joran, Isaac Judah, John Kay, William Kay, George King, Godfrey King, George Wright Knowles, William Laing, Archibald

Lanfort, Alexander Lawson, Gavin Laurie, James Leach, John Lees, John Lees, jr., Charles Le Marchant, Meshach Levy, Simon Levy, John Lilly, John Lynd, Robert McCay, Patrick McClement, John McCluer, John McCord, John McCord, jr., Allan McFarlane, Peter McFarlane, Robert McFie, Andrew McGill, Roderick McLeod, Thomas McMurray, Richard McNeill, Simon McTavish, Zachary Macaulay, Sein Mann, Edward Manwaring, Jacob Maurer, James May, George Measam, J. Melvin, Randle Meredith, Alexander Milmine, Jonas Clarke Minot, John Mittleberger, Solomon Mittleberger, Michel Morin, James Morrison, Samuel Morrison, George Munro, William Murray, John Neagle, Johan Nikal, James Noel, Patrick O'Donell, William Pantree, John Painter, Alexander Paterson, Allan Paterson, John Paterson, James Perry, Frederick Petry, Michael Phillips, A. Porteous, John Porteous, James Price, J. Pulman, John Renaud, John Richardson, jr., Hugh Ritchie, James Robinson, John Ross, John Saul, Jacob Schieffelin, Adam Scott, David Shoolbread, James Sinclair, Geo Singleton, Francis Smith, Lauch Smith, Ezechiel Solomons, Levy Solomons, John Stenhouse, Phill. Strickman, John Sunderland, John White Swift, James Symington, Cabet Thorne, Isaac Todd, Joseph Torrey, John Trotter, Richard Vincent, Richard Walker, Thomas Walker, Thomas Walker, jr., Alexander Wallace, James George Waltz, John Welles, Adam Wentsel, James Dyer White, Robert Willcocks, S. Young.

On these petitions a motion was made in Parliament for the repeal of the Quebec Act, and was supported by the whole strength of the opposition, but a great majority in both houses maintained the Act. Lord Dartmouth wrote on the 7th June, 1775, after the vote that the motion "met with no greater encouragement without the doors of Parliament, and to all appearance the people of England, in general, concur in the measures which have been adopted."

On the 1st April the skirmish of Lexington set fire to the American revolution. The 1st May following the Quebec Act was to come into force, but owing to the existing condition of affairs hardly any step was taken to that effect. The American Congress issued an address to the Canadians, on the 29th of that month.

In his letter of the 13th March, 1775, Carleton speaks of the continued

agitation of the British element against the change in the system of government introduced by the Quebec Act, and also of the circulation of a printed translation of the letter addressed to the Canadians by the Continental Congress of Philadelphia.

Early in May a band of "Green Mountain boys," under Ethan Allan, seized Fort Ticonderoga "in the name of the Great Jehovah and the Continental Congress." The capture of Crown Point followed.

Walker appears from the first threat of hostilities by the discontented colonies to have been in correspondence with his friends in Boston, and to have been recognized as a willing agent in Canada for its subjugation. On the 20th May, 1775, Benedict Arnold wrote him from Ticonderoga, introducing Captain Nineham, who had been sent on a mission to the Caughnawaga Indians to obtain their co-operation, the letter being in such terms as served to show that Walker was heart and soul in the cause of the Bostonians. Nineham brought with him a letter dated 20th May, from Ethan Allan, addressed to "The Councillors at Kocanawaga," urging the Indians not to fight for King George, but to lie in ambush to shoot his soldiers. "We want," he said, "our brother Indians to help us to fight, for I know you are good warriors and can shoot well and I think it is right for us to kill them and that our brother Indians also kill them," promising them plenty of rum. That Caughnawaga was a hot bed of sedition during the war and a place of resort for emissaries from the revolted colonies is abundantly evident from the correspondence and reports of that period.

That Walker was deep in the confidence of Arnold is evident from the contents of a letter written from Crown Point, on the 24th May, in which he is asked to send from time to time "the number of troops with you, their movements (and designs if possible) and if joined by the Canadians or Indians. If any number of the former you may assure them they will soon see an army of Bunker's Hill men in the heart of the country. I have here and at Ticonderoga about one thousand men, and expected to be joined in a few days by two thousand more."

The Congress disallowed the taking of Crown Point and St. John's, as a matter of policy, to keep the appearance of peace until the fall season

and then enter Canada in the absence of the British troops and when too late to obtain any help from England.

Carleton went back to Quebec where he formed the legislative council under the provisions of the Quebec Act. In the royal instructions given to Carleton, on the 3rd January, 1775, the members appointed to form the council are as follows: Hector Theophilus Cramahé, Lieut.-Governor, the Chief Justice, Messrs. Hugh Finlay, Thomas Dunn, James Cuthbert, Colin Drummond, Francis Lévesque, Edward Harrison, John Collins, Adam Mabane, De Léry, St. Ours, De Contrecoeur, the secretary of the province, George Alsopp, De la Naudière, Lacorne St. Luc, Alexander Johnstone, Conrad Guky, De Bellestre, De Rigauville, and John Fraser.

Articles 12 and 13 of these instructions contain the germ of future misunderstanding relative to habeas corpus and trial by jury, as they say that it will be the duty of the council to consider "whether the laws of England may not be, if not altogether, at least in part the rule for the decision in all the cases of personal actions grounded upon debts, promises, contracts, etc., . . . nor can they follow a better example than that which the common law of this kingdom hath set in the provision made for a writ of habeas corpus. . . ."

Article 20 refers to the Roman Catholic Church: "It is a toleration of the free exercise of that religion only, to which they are entitled, but not to the powers and privileges of it, as an established church, for that is a preference which belongs only to the Protestant Church of England."

The troops in the Province of Quebec, at the date of June 5th, 1775, were only 744 all told, composed of the Royal Regiment of Artillery, the 7th Royal Fusiliers, and the 26th Foot.

Carleton to Dartmouth, 7th June, 1775: "On the 19th of last month, I received intelligence from General Gage, by sea, of the rebels having commenced hostilities in Massachusetts, and requesting I would send the 7th regiment, with some companies of Canadians and Indians to Crown Point. . . . The next morning, Captain Hazen arrived express at Quebec, and brought me an account that one Benedict Arnold . . . landed a considerable number of men at St. John's, surprised the detachment there and made them prisoners. . . . The same evening another express brought

an account of the rebels having landed at St. John's a second time. . . . and most probably would have been cut off . . . by Major Preston, had they not been advised of the march of the troops by one Bindon, a merchant of this town, upon which they crossed the river. . . . While this party, commanded by one Ethan Allan, remained at St. John's, he sent a letter by this same Bindon, addressed to one Morrison and the British merchants of Montreal, lovers of liberty, demanding a supply of provisions, ammunition, and spirituous liquors, which some of them were inclined enough to furnish, had they not been prevented.

"The little force we have in the province was immediately set in motion and ordered to assemble at or near St. John's. The noblesse of this neighbourhood were called upon to collect their inhabitants, in order to defend themselves, the savages of those parts likewise had the same orders, but though the gentlemen showed great zeal, neither their entreaties or their example could prevail upon the people; a few of the gentry, consisting principally of the youth residing in this place and its neighbourhood formed a small corps of volunteers under the command of Mr. Samuel Mackay and took post at St. John's. The Indians showed as much backwardness as the Canadian peasantry.

"Not six hundred rank and file fit for duty upon the whole extent of this great river, not an armed vessel, no place of strength; the ancient provincial force (militia) enervated and broken to pieces; all subordination overthrown, and the mind of the people poisoned by the same hypocrisy and lies practised with so much success in the other provinces, and which their emissaries and friends here have spread abroad with great art and diligence.

"Within these few days the Canadians and Indians seem to return a little to their sense. The gentry and clergy have been very useful upon this occasion and shown great fidelity and warmth for His Majesty's service, but both have lost much of their influence over the people. I propose trying to form a militia, and if their minds are favourably disposed, will raise a battalion upon the same plan as the other corps in America as to numbers and expense.

"Since my return to this province, I have seen good cause to repent my having ever recommended the Habeas Corpus Act and English criminal

laws. These laws, now used as arms against the State, require more public virtue and greater fidelity to their prince than is generally to be met with among the set of people here, that take the lead upon all occasions. To render the colony of that advantage to Great Britain it certainly is capable of, would require the re-introducing of French criminal laws and all the powers of its government."

A proclamation was issued on June 9th, declaring martial law and calling upon the militia to turn out in defence of the country. It had always been recognized during the French period that the governor might call upon the seigneurs to enroll their habitants for military service in the interests of the Crown, and, as Carleton was extremely anxious to increase the defensive strength of the colony to the utmost point, he asked (June 9th) the seigneurs to muster their *censitaires*, to repel the invaders. Most of the seigneurs, taking the view that the representative of the Crown had a legal right to command their own service and that of their dependents, promptly conveyed the orders to their habitants, but they met with very little favourable response, for in many cases the habitants took the ground that, with the cession of the colony, their obligation to do military service had passed out of existence.*

The old militia organization was considered obsolete because it had ceased to be looked upon as a permanent institution, but the citizens of Quebec were anxious to show that they still had in mind the services the militiamen could render the country and the Crown in a moment of emergency. On the 29th June, they made their offer to the governor "not only in response to his call, but on account also of their sense of duty on such an occasion as this; they hope the militia will be put on their ancient footing in Quebec, the same as Your Excellency has done for Montreal lately." Carleton's acknowledgment, 3rd July, says that their offer is full of good sense and expresses obedience to the wish of the sovereign; he adds that the militia of Montreal and Three Rivers being now nearly completed in their arrangements, he will immediately attend at Quebec for the same object. On his return to Quebec, 2nd August, the governor set to work, and on the 11th September, Cramahé held a review of the new corps on the Place d'Armes.

*Munro: *Seigniorial System*, p. 211.

Murray and Carleton were in favour of fortifying Quebec and the reorganization of the militia; also the creation of a Canadian regiment. However, nothing in that way was done, except that, in 1764, a corps of Canadian volunteers was formed hastily and sent to the great lakes against Pontiac. When the American rebellion broke out, Carleton wrote that the gentry of Canada had been painfully disappointed during the last fifteen years because none of them were offered service with the army and that "they do not relish commanding a bare militia. They never were used to that service under the French government.* Besides the sudden dismissal of the Canadian regiment raised in 1764, without gratuity or recompense to officers, who engaged in our service almost immediately after the cession, or taking any notice of them since, though they all expected half pay, is still uppermost in their thoughts and not likely to encourage their engaging a second time in the same way. As to the habitants or peasantry, ever since the civil authority has been introduced into the province, the government of it has hung so loose, and retained so little power, they have in a manner emancipated themselves, and it will require time and discreet management likewise, to recall them to their ancient habits of obedience and discipline. Considering all the new ideas they have been acquiring for these ten years past, can it be thought they will be pleased at being suddenly and without preparation embodied into a militia and marched from their families, lands and habitations to remote provinces, and all the horrors of war which they have already experienced?"

Printed appeals from Congress to the Canadians were circulated in immense numbers, which were dropped at every house in the parishes near Montreal. In June, 1775, Walker was at Repentigny spreading news among the habitants that the Bostonians were coming in force, that they would harm no one who kept quiet, but that those taking arms against them would suffer. At his own house a week or two later he spoke so freely that his wife was obliged to caution him, telling him he talked too much and that his words would hurt him. This confirms the statement elsewhere, that he was a rash, hot-headed man. About the end of June he was at Chambly, promis-

*On the contrary, most of the expeditions made by the militia during the years 1665-1759 were commanded by men of the nobility.

ing money, arms, and powder to the Canadians, one of whom stated that Walker was on Chambly Mountain looking out for the Bostonians, and that he had offered him 2,000 francs if he would join him.

A letter from John Brown, one of Arnold's lieutenants, dated 1st of August, summoned Walker to Chambly "on business of high importance." The letter was accompanied by another from Schuyler, and the statement that other friends had been sent for to Caughnawaga to attend the same meeting. Inside it was addressed to "Messrs. Walker, Price and such others as they shall communicate," but was intercepted. It is unnecessary to follow in detail this man's movements, who acquired a factitious prominence from the brutal outrage committed on him in 1764, but was otherwise of little importance.

The battle of Bunker Hill, near Boston took place on the 17th June, thus putting the colonies in open war with Great Britain. On the 2nd August Governor Carleton assumed the command of all the forces in Canada.

Lord Dartmouth was fully relying upon Carleton's previous assurances of what could be expected from Quebec in support of the British interests on this continent, if only the French laws and system of government were re-established and the noblesse and clergy restored to their former ascendancy. Hence, when the crisis was precipitated at Boston, he wrote to Carleton, July 1st, 1775, saying that "the King relies upon the loyalty and fidelity of his Canadian subjects for their assistance to suppress rebellion, and it is His Majesty's pleasure that you do, if you see no objection, immediately upon the receipt of this letter take the proper steps for raising a body of 3,000 Canadians in such form and manner as you shall judge most proper, to act as light infantry, either in a separate corps or in conjunction with His Majesty's other troops, as shall upon consulting General Gage, be thought most expedient."

Lord Dartmouth wrote to Governor Carleton, 24th July: "It is His Majesty's pleasure that instead of 3,000 men which you were authorized to raise by my letter of the 1st instant, the number to be raised be 6,000, and I have accordingly given directions for an additional supply of arms, clothing and accoutrements in proportion."

Chief Justice Hey writing from Quebec to the Lord Chancellor, 28th August, draws a gloomy picture of the situation and explains the sentiment of the Canadians, so brusquely transformed into an attitude of indifference at the very hour of peril:—

“Your Lordship will remember how much has been said by us all of the loyalty of the Canadians, their obedience and gratitude, their habitual submission to government and their decent, civil and respectful demeanour to those who had the conduct of it, but time and accident have evinced that they were obedient only because they were afraid to be otherwise, and with that fear lost (by withdrawing the troops) is gone all the good disposition that we have so often and steadily avowed in their names and promised for them in ages to come. Yet I am sometimes willing to think that fear, joined with extreme ignorance and a credulity hardly to be supposed of a people, have been overmatched by the subtility and assiduity of some colonial agents who were very busy here last winter, and that they are not at bottom an ungenerous and disobedient people. That temperate management and gentle methods of persuasion and instruction may yet bring them to a sense of their duty and, indeed, their interests, and when they are made to understand that the true point of fear should be that of sitting still and not putting themselves into a state of defence, they will take arms not only for their present defence, but when supported by a body of the King’s troops be ready for any offensive service that the time may demand; which in my opinion would strike more terror into the colonies than General Gage’s army doubled or trebled at Boston. . . . I believe it to be as true as any thing can be that the colonies without the assistance of England, would have been reduced from north to south by this province in the last war.”

By the 17th September the rebels had succeeded in making peace with the Indians who all left the camp at St. John’s, and many of the Canadians of that neighbourhood had joined the enemy “and not one hundred, except in the towns of Montreal and Quebec, are with us,” says Chief Justice Hey. In fact, the country people did not side with the British, but it seems that the towns had a better understanding of the situation.

On the 18th September Arnold began his march from the mouth of River Kenebec to reach Quebec.

Cramahé to Dartmouth, 21st September: "I am sorry to transmit to Your Lordship the disagreeable account of a disagreeable business. Some time in the beginning of this month, upon news of the rebel army approaching, General Carleton set out for Montreal in great haste. On the 7th instant, the rebels landed in the woods near St. John's, and were beaten back to their boats by a party of savages encamped at that place. In this action the savages behaved with great spirit and resolution, and had they remained firm to our interests, probably the province would have been saved for this year, but finding the Canadians in general averse to the taking up arms for the defence of their country, they withdrew, and made their peace.

"After their defeat the rebels retired to Isle aux Noix where they continued, till lately, sending out some parties, and many emissaries, to debauch the minds of the Canadians and Indians, in which they have proved too successful and for which they were too well prepared by the cabals and intrigues of these two last years. . . . No means have been left untried to bring the Canadian peasantry to a sense of their duty, and engage them to take up arms in defence of the province, but all to no purpose. Justice must be done to the gentry, clergy, and most of the bourgeoisie as they have shown the greatest zeal and fidelity to the King's service, and exerted their best endeavours to reclaim their infatuated countrymen. Some troops and a ship of war or two would in all likelihood have prevented this general defection.

"Some of the King's old subjects have joined the rebels, and it were to be wished all of them inclined to that cause had done the same—we should be the safer for it. . . .

"Lieutenant-Colonel Maclean, with about eighty of his new raised corps and twenty of the Fusiliers, besides a militia composed of the inhabitants of the town (Quebec) is all that we have to repair its breaches and defend it. General Carleton, who is still in Montreal, has not received a line from Your Lordship since the 15th of April."

Ethan Allan with 150 men rashly attempted, towards the end of September, to take Montreal, then a place of over twelve thousand inhabitants. Most of the regular troops had been withdrawn to garrison St. John's.

Allan took possession of some house on the outskirts, but was dislodged by Major Carden, who attacked him with a force of 280 men, of whom only thirty were regulars, the rest being Montreal volunteers. After five of his men had been killed and many others wounded, Allan surrendered (25th September).

Montgomery had laid siege to St. John's, where Major Preston was in command of nearly seven hundred men, many of them Canadian volunteers from Montreal. For nearly seven weeks Preston kept Montgomery at bay, but Carleton was unable to send him succor as the Americans occupied the country between there and Montreal.

Below St. John's there was a stone fort at Chambly defended by Major Stopford, with a force of about eighty men. Learning that it contained artillery, Montgomery sent a detachment to capture it, and after a few hours' siege it surrendered. Preston, nevertheless, held out at St. John's for two weeks longer, and only gave up when all hope of succor was gone, and he and his men threatened with famine. They were accorded the honours of war in recognition of their brave defence (31st October).

Pierre Ducalvet, a merchant in Montreal, was born in Quercy, near Languedoc, France, according to his own statement, others say he was of Swiss origin. For the sake of religion—being a Protestant—he abandoned his property and went to Acadia in 1758 as a commissary in the French administration, which is an established fact, as we know he acted as King's storekeeper there, but was he a Protestant at that time? It is a well understood rule of the French service that no Huguenot could be employed with the military forces in the colonies. Anyway he was under Vergor and Bigot at Miramichi. How did he come to Quebec after the reduction of Louisbourg in 1758? By the articles of capitulation of that place he should have been a prisoner of war and transported to England. If he had resigned before the capitulation, he would have been like the merchants and their clerks, transported to France, but as a commissary he formed part of the garrison.* After the taking of Quebec, he says he was charged by Governor Murray with keeping the inhabitants within the limits of submission and obedience in which he was happily successful. Upon these state-

*Dr. Douglas Brymner: *Canadian Archives*, 1888.

ments (which are somewhat difficult to reconcile with each other) and on the ground of being an unfortunate and steadfast Protestant, he presented a petition to George III. (30th January, 1767), for a lieutenancy in the army for a nephew, and for a pension for life for himself. As a specimen of his style, the close of the petition may be quoted: "It is in the name of my fidelity and my services, recognized and attested by the governor and Your Majesty's other general officers in Canada; it is in the name of the Protestant religion, for which I have lost everything, and which now speaks for me; it is in the name of the most ardent desires which he ceases not to form for the glory and prosperity of Your Majesty's reign, that of his most faithful subjects takes the liberty of addressing to you these requests."

Ducalvet settled in Montreal, entered into trade and was made a magistrate. In the introduction to his *Appel à la Justice* (1784), he states that he inherited a competent fortune from his ancestors and that it had largely increased in his hands, but in two memorials written several years before he declares that he had lost his property on account of his religion.

Whether by purchase or otherwise, Ducalvet was in possession of the seigniory of Rivière David (Yamaska) before 1774, and on the 9th July of that year he signed a petition for the grant of more land in addition to what he had already. Here, in 1775, we have to deal with him as we have done with Walker, for he was a man of the same character. The fact appears to be that from the first, Ducalvet was in communication with Montgomery, and acted as his agent in disseminating his proclamations through the French parishes. This is clearly proved by a letter from Montgomery to him, dated at Laprairie on the 9th November, 1775, which was intercepted and afterwards sent by Carleton to Lord Dartmouth on the 20th of the same month. He even went so far as to hold a commission in the regiment commanded by Moses Hazen. In the troubled condition of the province, at that time, Ducalvet was safe, but there can be no doubt he was watched after its recovery, but was apparently too cautious to commit himself further.

Arnold with eleven hundred men had come by the route of the Kenebec to the head waters of the Chaudière and down that stream to where it

enters the St. Lawrence, nearly opposite Quebec, arriving there 9th November. By reason of the hardship of the long march of six weeks many had to be sent back, and Arnold's force had dwindled to eight hundred before he reached his destination. He pitched his camp (13th November) on the north shore of the St. Lawrence, some distance from Quebec, up the river and awaited Montgomery's coming.

Governor Carleton seeing the advance of the Americans at Longueuil and Laprairie, left Montreal on the 11th on board of one of the vessels commanded by British officers. They sailed down the river as far as Sorel, where they were stopped by the Americans and went back to Lavaltrie, where the soldiers, the war material and the ships fell into the hands of the enemy on the 19th November.

From Lavaltrie, two days before, Carleton had gone in a row boat, with his aide-de-camp De Lanaudière, the chevalier de Niverville and a sergeant by the name of Bouthillier, under the direction of Jean Baptiste Bouchette, a very well known navigator of those days. The little craft avoided with difficulty the patrols and the corps moving across the St. Lawrence, until coming to Three Rivers, the home of De Niverville, where they found themselves mixed up with the American officers and their men, but they managed to pass unnoticed and after dinner proceeded on their route, leaving De Niverville at his own house. The troops of Arnold gave them several alarms as they approached Quebec. Finally, on the 19th the governor entered the town and ordered the bells to ring for a public meeting.

Montgomery having occupied Montreal on the 13th November, arrived at Pointe-aux-Trembles, near Quebec, on the 1st December, thus making his junction with Arnold. All his forces there amounted to less than two thousand men. Carleton had a mixed garrison of about sixteen * hundred men; the regulars did not exceed three hundred. Those who left the town were largely English-speaking sympathizers with Congress. The population of Quebec was about five thousand.†

*Some say about 1,200. See *Canadian Archives*, 1904, p. 384.

†For the name, occupation and residence of each of the militiamen of Quebec during the winter of 1775-76, see *Bulletin des Recherches Historiques*, September and October, 1906.



DEATH OF MONTGOMERY.

Quebec was bombarded during the whole of December. In the early hours of the 1st January, feigned assaults were made at all the gates which faced the plains and the parish of St. Roch. Meantime, amid falling snow, Montgomery marched out to carry the post on Champlain Street alongside the St. Lawrence and from there to ascend Mountain Hill Street. Captain Chabot,* in charge of the first barricade, was on the alert, and a murderous fire greeted the Congress troops. Montgomery fell, his men retreated. Arnold was wounded at the St. Roch gate and 431 of his men taken. Finally the Americans were repulsed everywhere, with a loss of five hundred men.

During the winter feeling ran high in Montreal. General Wooster insisted that the Canadian seigneurs should give up the commissions they held under the British Crown, offering them new appointments under Congress. With much difficulty he obtained the commissions, but the majority of the noblesse declined to serve under Congress. Some were so outspoken in their expression of loyalty to British rule that Wooster threatened to banish them from the city. Later on the failure of Montgomery's assault upon Quebec was not without effect upon the habitants. They had also many reasons to be dissatisfied with the Congress troops.†

Captain Joseph-Marie Lamotte, of Montreal, having been made a prisoner, succeeded in recovering his liberty and reached Lord Howe, who gave him letters for General Carleton. On his arrival at Montreal he learned of the situation at Quebec and in company with a young friend, Joseph Papineau, travelled on foot during the month of February, by the south shore of the St. Lawrence, going from presbytery to presbytery, avoiding notice in day time and suffering much from cold and other hardships. The news they brought was that the fleet would arrive on the first day of opening of navigation, so that Carleton could assure his people that the siege was merely a matter of time. He told the Irishmen to postpone St. Patrick's day until May, in order to have a double celebration and more means to meet it. Lamotte and Papineau enlisted in the garrison and remained there till the arrival of the fleet. Of the Lamottes, father, son and grandson, we

*See *Bulletin des Recherches*, September, 1906, p. 284.

†W. H. P. Clement: *History of the Dominion*.

have a very honourable record. Papineau was elected to the legislative assembly in 1791, and made a name for himself; his son, Louis-Joseph, is still better known among us.

General Wooster went to Quebec early in January. On the 17th of that month Walker had an interview with him on the Plains of Abraham.

In the spring of 1776 three commissioners were appointed by Congress to see what could be done to secure the adhesion of the Canadians to their cause. They were: Benjamin Franklin, Rev. Charles Carroll and Samuel Chase. The mission was a failure. After visiting Montreal these gentlemen returned to Philadelphia with a report that nothing could be done.

During the spring of 1776 Congress troops kept coming into the province, and some of them joined the army before Quebec. The garrison was in good health, while there was much sickness in the camp of the besiegers. Towards the end of April, General Thomas arrived to take command of the operations, but on the 6th May came the British fleet, with nine thousand troops. General Thomas left so quickly that his uneaten dinner was found upon his table. His artillery and camp stores remained behind him.

Carleton followed up the Congress troops rather slowly and did not reach Three Rivers before the 8th June, at the end of the day. Meantime, the militia of the district of Montreal were active. At the Cedars, on the 19th May, Major Isaac Butterfield, an American officer, surrendered with 300 men, to Captain George Foster.

In a rash attempt to regain lost ground, General Thompson retraced his steps and went down as far as Sorel in an attempt to capture Three Rivers (8th June), but his troops were cut to pieces on the common of that town and he was taken prisoner.

Montreal saw the Americans retreating on the 15th of June. Then came the Declaration of Independence, signed at Philadelphia, 4th July, 1776.

CHAPTER XVII.

Carleton and Livius—Departure of Carleton, 1778—The Canadians, the American Congress, the French authorities—Men imprisoned by Carleton—A proposed chamber of commerce—War declared between England and France, 1778—A new council, 1778—Haldimand's administration—Men imprisoned by Haldimand—Ducalvet—Political importance of his book, 1784—*Acte de Foi et Hommage*, 1781—Treaty of Versailles, 1782—The U. E. Loyalists—Political sentiments of the Canadians, 1784—The council of the province—Patronage—Trial by jury established, 1784—Departure of Haldimand, November, 1784.

During the autumn of 1776, Carleton defeated and destroyed the American fleet on Lake Champlain. Crown Point was abandoned by the Congress troops and the British took possession. Our frontiers were not crossed again by an invading army until 1812.

Carleton, who knew so well the sentiment of the Canadians in regard to power and exercise of authority, ordered the imprisonment of a few persons suspected of treasonable designs. Their names are given below. No Canadians with them. This was opposed by Peter Livius, who had been sent out by Lord Dartmouth, in 1775, as a judge of the Common Pleas at Montreal, and afterwards (August, 1776), succeeded Hey as Chief Justice. Carleton dismissed him and he went to London, where he explained his views upon the conduct of the governor. It must be said that, during the march of the troops under Burgoyne, proceeding in the direction of Albany, Carleton revived the French *corvées* (forced labour) to the great displeasure of the Canadians. Being, as they contended, British subjects, they were no longer subjected to that kind of public service, nor obliged to obey the seigneurs. They also observed that the council was composed of government officials, merchants and seigneurs—but that the interests of other classes were ignored. This, eventually, brought into their minds the

“English invention” of a representative assembly. There is no doubt that when Carleton left the province, in 1778, a considerable change had already taken place in the sentiments, knowledge and views of the Canadians, compared with the state of things he had found eighteen years before. Experience had taught him to be patient and never to attribute to ill-will the various manifestations of public feeling among the natives. His successor adopted the same line of arguments and did well.

Judging by the manner the Congress tried to engage the Canadians to co-operate with their movements “in the interest of the Canadians,” as they said to them; and the action of the same political body, sorely reproaching the British Parliament in “favouring the interests of the Canadians,” two contradictory sentiments, which the Canadians soon detected, it is likely enough that they would have joined heartily the British side in the dispute raised by the taxation laws—inasmuch as they were by education inclined to support the government, but something else made their situation less comprehensible to them. The English-speaking element, at least a great part of them, were enraged against authority and used all sorts of reasons, mostly false, to keep them in hot water. As they were unable to appreciate the value of so many new arguments, for want of practice in such matters, and being thoroughly ignorant of self-government, their indecision, their desire to remain neutral, and finally their apparent indifference showed that they were sensible to the difficulty of the hour. Many of them must have condensed the whole affair into: “Let the English people, loyal or not loyal, arrange between yourselves,” or words to that effect.

If we had seen, following the conquest, a large number of British immigrants settled on the unoccupied lands, as was naturally to be expected, the assimilation of the Canadians might have been possible, and perhaps a matter of a short time only, but no such people came here before the arrival of a few U. E. Loyalists in 1785. Therefore, the Imperial authorities acted on the principle that Canada was for the Canadians. It was quite different with the gang of traders and officials who came in 1763 and afterwards—they consulted no other interests than their own; they had no other policy than taking the law into their own hands, and they felt no respect for the vanquished. for those who had sacrificed everything in the defence of their

properties. Ten thousand families reduced to desperation by the horrors of a long and bloody war were nothing to them. British fair play was unknown to them. Christian charity set aside, and they did all they could to prevent the new subjects from getting a favourable impression of the British rule. Murray and Carleton were given a painful duty to fulfil when appointed governors of the province. Haldimand also, but his two predecessors had blazed the way in a certain measure.

That the appeals to the better class of Canadians had little effect is strikingly shown by the list sent by Carleton in a letter to Lord George Germaine on the 9th May, 1777, in which there does not appear a single French name. Those of this nationality who took part with the Bostonians were men of a low class. Some others, such as Pélissier, were natives of France. Carleton says: "Inclosed Your Lordship will receive a list of the principal leaders of sedition here. We have still too many remaining among us that have the same inclination, though they at present act with more caution and so much subtlety as to avoid the punishment they justly deserve." The inclosure referred to is headed: "List of the principal persons settled in the province who very zealously served the rebels in the winter of 1775 and 1776, and fled upon their leaving it; the place they were settled at; and the country they are natives of, by initial letter, as England, Scotland, Ireland, America or France."

AT QUEBEC.

Hector McNeil. *S.* Has long been settled and married twice in America.

John and Acklan Bondfield. *E.* John appointed a commissary of provisions by the Congress. The other supposed to be an assistant.

Udney Hay. *S.* Acted as deputy quarter-master-general with rank of major.

John Welles. *E.* A sort of secretary to Wooster.

John White Swift. *A.*

J. D. Mercer. *A.*

Jonas Clark Minot. *A.*

John Halstead. *A.* A commissary of provisions.

— Freeman. *A.* Commissary of provisions at Trois-Rivières.

— Holton. *A.* Conductor of artillery.

James Jeffrys. *A.*

AT TROIS-RIVIERES.

— Pelissier. *F.*

AT MONTREAL.

Thomas Walker. *E.* Lived many years at Boston.

— Price. *A.* Great Zealot, originally barber.

— Heywood. *A.* Great Zealot, originally barber.

Edward Antill. *A.* Lieutenant-Colonel.

Moses Hazen. *A.* Half-pay lieutenant of the 44th Regiment. Colonel of the Rebel Army.

Joseph Bendon. *E.*

William Macarty. *A.*

Joseph Tory and two brothers. *A.*

David Salisbury Franks. *A.*

— Livingston and two brothers. *A.* The eldest Lieut.-Colonel; second Major, and youngest Captain.

John Blake. *A.* Carried goods down to the colonies in winter and did not return; known to be a rank rebel.

— Blakely. *A.* Carried goods down to the colonies in winter and did not return.

Some of the British traders adopted the plan of a chamber of commerce, in place of juries, to avoid bringing commercial matters into the regular courts where French civil law was made the basis of decision. This would have set up a legislative, executive and judicial system within the province to govern the trade relations of the members of the chamber. The opposition of the governor stopped the scheme as soon as he heard of it.

Carleton complained that the fees and salaries were too high for a young colony; also that some of the office-holders lived in England and were represented here by incompetent deputies. This became worse under Lord Germaine, who seized the opportunity to reward in this manner his political friends.

A secret treaty made between France and the American Congress became known in March, 1778, which caused Great Britain to declare war

against France. Baron d'Estaing sailed with a fleet to aid the colonies. He issued a proclamation asking the Canadians to put themselves under the rule of the French King, but no one listened to him. Here comes a singular paragraph of a book * published in France: "The Americans imposed upon Louis XVI. a clear renunciation of his views upon Canada; on such condition they did him the honour to accept his aid. He was weak enough to acquiesce in the stipulation, thereby frustrating the hopes of a French population, whose hearts burned to be re-united with France." It would be hard to find a proof of that state of mind among the Canadians, because they were Canadians first, and they had had occasion to make a comparison between the old and new styles of government.

"When the French joined the colonies against Great Britain, and appealed to the national sentiment in Canada, Washington quietly discouraged a movement that might have resulted in giving France once more a footing in North America."† The Congress did the same. It was understood that France was assisting the revolted colonies out of spite against Great Britain and not out of tender love for the Americans; therefore, the Americans were very careful in not giving a chance to France in the way of resuming possession of any part of the continent.

A petition of the 2nd April, 1778, signed by the "merchants and such inhabitants of the Province of Quebec as are at present in London," remonstrated against the Quebec Act, the legislative council, and generally speaking reflecting upon the governor. This may have contributed to the change which took place soon after, but there were other motives in the determination of the King to recall Carleton from Canada. Lord Germaine, successor of Lord Dartmouth, was not on good terms with the governor, who never missed an occasion to show his lack of sympathy with the minister. When General Burgoyne was selected to conduct the expedition to Albany, Carleton manifested great indignation. The King agreed to his removal as asked for, "but," said he, "his meritorious defence of Quebec made him a proper object of military reward." In June, 1777, Carleton applied for permission to retire. Burgoyne, fearing the appointment as

*Emile Keller: *Histoire de France*.

†Professor George M. Wrong, M.A.

governor of Quebec, wrote to decline the position. Haldimand, who was then Inspector-General of the forces in the West Indies, was selected, and arrived in Quebec June 30th, 1778.*

The large supplies required for the troops inspired some merchants with the idea of buying wheat in large quantity, and by that combination they created an artificial famine; but when Haldimand tried to impress the council with the necessity of a preventative law in that respect, he only made enemies of some of them—because they were in the ring.

The German troops garrisoned in Canada or passing through the province to join the British army in the neighbouring colonies often conducted themselves as if the Canadians were in a state of revolution, thereby adding to the bad feeling of the population. No trouble happened, fortunately, but the people were inclined to exchange their opinions of them in low tone, which is always a bad sign.

Throughout the war the British had very poor leaders. Their ill-success seems to have been chiefly owing to this, for their soldiers were better trained, better armed, and better clothed than the ragged, shoeless American armies, who never could be made to see the necessity for obedience to their officers.

A new council was nominated, and the following list of the members of the same included in the instructions to Haldimand, April 15th, 1778: Hector Theophilus Cramahé, Lieut.-Governor; Peter Livius, Chief Justice; Hugh Finlay, Thomas Dunn, James Cuthbert, François Lévesque, Edward Harrison, John Collins, Adam Mabane, Chaussegros de Léry, George Pownall, secretary of the province, George Alsopp, Lacorne de St. Luc, Alexander Johnston, Conrad Gury, Picotté de Bellestre, John Fraser, Henry Caldwell, John Drummond, William Grant, Roch de St. Ours, junior, François Baby, and De Longueil.

Haldimand fortified the route of River Chaudière, Saint-François-du-Lac, the Richelieu River, etc., to guard against an attack or a raid in those directions. This necessitated forced labour, but the treasury paid the workmen.

*Burgoyne arrived at Quebec 6th June, 1777. Carleton left 27th same month. Burgoyne surrendered to Gates, at Saratoga, 17th October following. Cornwallis surrendered at Yorktown 19th October, 1781.

Navigation between Lakes St. Louis and St. Francis was effected by means of bark canoes that had to be emptied and carried along with the freight over the portages at the Cascades, Buisson, Cedars and Côteau du Lac, a very arduous and slow operation. Haldimand designed four canals for these localities and placed the work of building them under Captain Twiss, commanding Royal Engineers. This was done in 1779-1783. They were the first canals constructed in Canada, since the one from Montreal to Lachine had only been contemplated, so to say, during the French period. The primary object was to facilitate the transport of war material, secondly with a view of assisting the merchants who, willingly consented to pay a certain amount of toll when using the same. As early as 1781, 263 bateaux passed by that route, which produced £131 to the treasury. The money thus received in 1783 amounted £173. The canals had a depth of 2½ feet on the mitre sills of the locks, which were of stone and calculated for the passage of boats capable of carrying from 30 to 40 barrels of flour.

So many things have been said and printed about the severity of Haldimand that it would fill a book if we were to examine the subject seriatim. Let us take a glance at the subject.

“The number of those who were imprisoned has been much exaggerated. Even Haldimand’s critics acquit him of all personal malice in the performance of what, in very trying times, he conceived to be his duty in defence of the province. Congress agents were undoubtedly abroad in the parishes stirring up disaffection, and Haldimand’s ‘rough, but honest absolutism’ was not out of place in a time of war, when threats of further invasion were being constantly reported.”* Under martial law, then in force, the governor had most extensive powers; he could have sent to the scaffold any of the agitators, without exceeding his authority, but he merely kept them “in the shade” during the period of danger for the province.

In a resumé of the case of Ducalvet made by Dr. Douglas Brymner† a number of facts are brought to light, which convey a complete understanding of the action taken at that time by several individuals who are generally held up to us as the victims of the tyranny of the governor. This “dark

*W. H. P. Clement: *History of the Dominion*, p. 118.

†*Canadian Archives*, 1888.

page'' of our history now takes quite a new colour as it explains the real sense of the accusations printed by Ducalvet and evinces the duplicity of that man:—

“Haldimand was anxious to try the effects of conciliatory measures, but resolved, that should these fail, a sterner course would be adopted. It is evident that his task was not easy. The agents of d’Estaing had managed, unchecked and unreported, to affix proclamations to the church doors of the Canadian parishes; reports were assiduously spread abroad that a French fleet was at hand, filled with troops; and so well had the secret friends of the Bostonians done their work that any considerable detachment of troops entering any part of the province in French uniform would probably have plunged the whole province into the greatest misery and confusion. The turbulent and seditious behaviour of a cabal in Montreal compelled Haldimand to arrest two Frenchmen from France, one of whom was Mesplets, a printer, sent here by Congress in 1774, to publish and circulate their letters, the other Jautard, who has been an attorney and is an unprincipled adventurer. . . . “If this does not in some measure check the licentious spirit that is beginning to rise, I shall not hesitate to make more examples,” added Haldimand. In September of the same year, the governor writes again to Lord Germaine respecting the effects of the French alliance with the American colonies, that he had been obliged to arrest another Frenchman (Laterrière). “The times,” he says, “certainly justify the securing their persons, and preventing them from sowing that strife and discord they wish to propagate.”

“By degrees other steps followed. François Cazeau, a native of France (like the three already mentioned), who had remained after the conquest and engaged in the fur trade, was the next one apprehended; orders being given in April, 1780, to apply to the sheriff, E. W. Gray, to make a legal arrest, securing his papers, but only such as related to politics were to be retained, and: “His Excellency desires you will be particularly careful to proceed with such moderation as will leave no room, or as little as possible, for censure.’ Before the visit, Cazeau had gone to Quebec. No documents were found in the house, but only old, useless papers. Two magistrates

were present, and Madame Cazeau expressed herself satisfied with the treatment she had received from those conducting the investigation.

“After his liberation, Cazeau went to the Congress, then to Versailles for the payment of his claim as a commissary, having furnished provisions to the American army, but he died without arriving at a settlement, and it was only afterwards that his family received compensation for his losses from the Washington Government.

“Up to 1780 Ducalvet had succeeded in keeping in the background, as, with the exceptions named, only the inferior instruments were discoverable; even the writing of letters appears to have been intrusted to them. A letter, however, written in a different style was attributed to Ducalvet, and the arrest of Pillon, ‘who practices physic or some branch of that profession in the Quebec suburbs of Montreal,’ and the seizure of his papers, together with the confession of Hamel, clearly showed the part taken by Ducalvet in the conspiracy. Pillon’s papers indicated plainly that he himself was in close correspondence with Washington and La Fayette, to whom he wrote on the 7th September, 1780, that he was entirely devoted to the call of liberty; that provisions could be obtained in Canada were it invaded; that three-fourths of the province were in favour of the American colonists and only waited for the movement of their army to rise and second an attack; that he himself would set out to join Washington with 35 men; others who were ready, but not equal to the journey, would join on the march, and asks for blank commissions, letters of marque, etc. The whole of this information had, however, been in possession of Haldimand for some time before the arrest. On the 18th July previous Major Carleton had reported that men were preparing to set off; that Pillon had engaged them; that the secret agent sent by him (Carleton) to Montreal had gained the confidence of Pillon, and was thus able to see the lists of those who had agreed to join the Americans. On the 30th it was learned that Pillon had only delayed his departure until the arrival of Ducalvet from Quebec, where he had gone to get letters and, if possible, a plan of the military works. For the time, however, the movement was delayed, as the circumstances were not favourable for such a step. It seems apparent that Ducalvet was uneasy. At the beginning of September he changed his lodging,

and on a visit to Madame Cazeau spoke of lodging at a tavern, but she offered him a room which he accepted. In a letter from Hurtébise Gagné to Cazeau, then at Quebec, the writer says he met Ducalvet in Cazeau's house in Montreal, that he gave him all the news of the successes of the Americans; that the French were sending eight additional regiments to America; that the Americans were in force; that he (Cazeau) would soon be rid of his enemies; that Rouville, who now swelled with pride, would soon burst with shame, and that as the result of this Ducalvet was triumphing. According to the evidence of Hamel, Ducalvet was the head of the movement, and had so managed that his mill at St. David was full of flour ready to be carried off to the Americans for whose use it was intended and who had been informed of the fact.

“On the 24th of September Major Carleton forwarded to Quebec the letters addressed to Washington, etc., and captured in a curious manner, as we shall see: A scouting party near Pike River, at the southern extremity of Lake Champlain having obtained intelligence that a certain individual who resided on the River Chambly was making secret preparation to go by that route into the colonies, waylaid and succeeded in surprising him, but nothing in the shape of despatches was found upon his person. Once arrived at St. John and delivered over to Major Carleton, measures were taken to prevail upon the fellow to avow the object of his journey to the other side of the frontier, which he did finally, on condition of his being liberated, and that his having divulged the matter should be kept secret, lest he might incur the displeasure of those with whom he was connected and be killed by some of them. He accordingly acknowledged that he was the bearer of despatches to the revolutionary authorities in the colonies, and that these documents had been given him by Mr. Ducalvet, and were enclosed in paper rolled up and inserted in the hallow of a cane or walking stick, which at the moment when he was surprised in the woods, he cast away from him; that he thought, if permitted to revisit the spot, he might find it, offering to return for the purpose, in proof of the truth of his declaration. He was, therefore, permitted to go back with Captain Pritchard, who had taken him, and as he had foretold, recovered the walking stick, which was brought in the same state as found and delivered to

Major Carleton, who, without removing the head of the cane satisfied himself with shaving down one side of it with a penknife, until reaching the hollow he discovered that it did contain paper, and, without going further, released the messenger, then sent Captain Pritchard to Quebec, who delivered the cane in that state to General Haldimand, who took out the letters. They were addressed to members of the Congress, conveying information on the state of Canada, advising an invasion by way of Yamaska, and the writers pledging themselves that such a movement would be seconded by a body of not less than ten thousand men, if the American powers should come in at that quarter. In the meantime as these letters reached Quebec, the messenger went to Ducalvet, told him he had been surprised and forced to return, but that he had thrown the stick in the bush so as to be irrecoverably lost, consequently Ducalvet remained under the impression that the governor knew nothing of the despatches.*

“One of these documents was ingeniously contrived to escape detection: a slip with the signatures of Ducalvet and Pillon had been so cut from it, that it would exactly fit the indenture or space left and thus when the letter and signature were brought together the letter would be authenticated as written by these two. The slip was to have been put in a lead bullet to be thrown away in case of danger.

“Pillon meditated the bold stroke of obtaining possession of the Commander-in-Chief's despatches and escaping with them to the Americans. Major Carleton, so as to guard against a possible danger of the attempt being successful, advised that both Pillon and Ducalvet should at once be arrested. So urgent was Major Carleton that he went two days after to consult Brigadier McLean, at Montreal, as to the propriety of making the arrest. The Brigadier had no scruples. He at once arrested Pillon, but Ducalvet had fled. Captain Lawe was sent after him, and word was sent to Colonel St. Léger to look for him at Yamaska, at his seignior, ‘for,’ the Brigadier added, ‘as Mr. Ducalvet is a most complete rascal, I thought it proper to spare no trouble to get hold of him.’ On the 27th September Ducalvet returning from Quebec, was arrested near Three Rivers by Captain Lawe, before any orders were issued from Castle St. Louis. It was only

*See the *Canadian Antiquarian*, Montreal, October, 1878.

on the 28th that directions were given by Haldimand to arrest Pillon. That the governor had nothing to do with the arrest of Ducalvet in the first place, but that it was made on the responsibility of the commanding officers on what appeared to them the clearest proof of his guilt, is shown by the letter of the 30th September addressed by Haldimand's secretary to Brigadier McLean: 'His Excellency did not wish at present to take up Mr. Ducalvet, but as it is done he will be detained, though sufficient proof whereon to found a prosecution has not yet appeared.' The proof was soon forthcoming, and Ducalvet was put on board the *Canceaux*, a prison ship, where he says he was compelled to sleep on the bare deck, all the furniture being removed from the cabin; his food was mouldy salt meat; he offered to furnish the cabin at his own expense, but was informed by the master of the vessel that it would be contrary to orders to allow such a thing, adding, according to Ducalvet's statement, with true seaman's politeness(!): 'The hardest even is too soft for a prisoner of your sort.' Now for the report made by Captain Schank, who was the naval officer: 'The direction I received from Your Excellency was to carry Mr. Ducalvet on board the *Canceaux* as a prisoner, that he was at Mr. Le Moine's, to which place he had been carried, having been taken prisoner by order of General McLean and was with Captain Lawe; that he was to be put on board the *Canceaux* in a place where he would be secure, and to have no communication with the shore, and at the same time you told me he was a gentleman and was to be treated accordingly. I directly sent for the boat and attended Mr. Ducalvet on board, and showed him down to the cabin as I would a friend, and ordered the state room to be made ready for him to sleep in (the very same Your Excellency occupied when on board the *Canceaux* going to Sorel). He ate and drank at the same table with me and my officers in the great cabin where you and family ate. I think the *Canceaux* cabin was the best I ever saw in any ship of her size, and the state room the largest. The officers with whom Mr. Ducalvet dined lived as others do, and if he got salt meat it must have been dressed on purpose for him, at his own desire, as the whole ship's company had fresh meat twice a week. I assure Your Excellency he had fresh and corned meat, poultry, fish, pudding, etc., drank wine, spruce beer, or grog. The bed Mr.

Ducalvet saw taken out of the state room was the master's, whom I ordered to his own cabin and to put my bedding in for Mr. Ducalvet, as I was seldom or ever on board, my duty on the lakes requiring my being always near you when you were at Quebeç. The sentinel over Mr. Ducalvet stood outside the cabin door when Mr. Ducalvet was in the cabin, and inside when he went into the state room. I do not think it was possible to treat him more like a gentleman prisoner.'

"The man who has had most influence on the spirit in which the history of the events in Canada after the conquest has been written is Pierre Ducalvet, who after his release went to England and sued General Haldimand for damages, at the same time using all the means that the press afforded to secure public sympathy for his cause. None of the Canadian historians appear to trust him, although they all more or less accept his statements, as far as they accorded with their own information. When Garneau cites him as evidence, it is with visible hesitation. Bibaud speaks of him as an exaggerator. Faribault says of him: 'The picture which Mr. Ducalvet himself gives of these times and the actors in them is probably too highly coloured, and in many instances is a mere caricature.'

Pierre Roubaud, who was Ducalvet's confidant in London, and a spy on his actions, thus describes him: 'He is undoubtedly of a restless and shuffling disposition. Exasperated as he was by the judicial and military treatment before the imprisonment, he is in his heart certainly disaffected to His Majesty's service, and General Haldimand was entitled by the laws of good policy to suspect the loyalty of such a man, though upon my conscience and my knowledge I have all reason to believe that Ducalvet never showed his disaffection by any outward act, his great covetousness and the fear of losing his property, which according to the general Canadian reports was pretty great, though not half so great as the proprietor boasts of, were more than sufficient to keep him within the bounds of extreme moderation. He is of the most vindictive nature, which knows no forgiveness, and once provoked he seeks for revenge night and day, spares no pains, pursuits and precautions.' The character of Roubaud casts more or less suspicion on all his statements, but however unprincipled he might be, he was an able man, clearheaded and observant, and his estimate of Ducalvet was the result of

long and careful observation. The description was written in London, in March, 1785.

“On the 28th February, 1783, the King issued instructions stating that whilst approving of the imprisonment of Hay, Cazeau, Ducalvet and Pillon, as being highly expedient, yet desirous to perfect the union and cordiality between British subjects and the people of the United States, he recommends the release of these and any other prisoners that might have been made on similar grounds, unless reasons existed to render their release improper. Long before this letter reached Quebec, the political prisoners had been set at liberty.”

It seems evident that the plan for an invasion of Canada was not entertained by Washington, although Ducalvet and his accomplices were sanguine on that point, but he calculated upon their exertions to procure subsistence for his army, and both Cazeau and Ducalvet did the needful in furnishing supplies.

Ducalvet was liberated May 2nd, 1784. He wrote to Lafayette, who answered him, in March, 1785, saying that he had not been able to free the Canadians from the British rule, but that the day might come in which all would be happier. He continues that he had presented at Philadelphia a memorial respecting the claims of those Canadians who had made advances on account of Congress: “Such services,” he says, “must not be forgotten. To do so would be to deprive the Congress of any such services for the future. A committee is already named to examine all these patriotic advances, which will not remain unrewarded. You and your friends may rely on all the gratitude, justice and humanity which have always characterized the American States. Soon after the Marquis wrote again stating that the American Ambassador to France had forwarded Ducalvet’s papers to Congress, with an account of the nature of the claims and a recommendation that they should be settled in Ducalvet’s favour. He advises the appointment of an agent at Philadelphia to prosecute his claim before Congress, or still better, to go himself.

On the 1st of April, 1785, Ducalvet thanked the Marquis for his compassion for the misfortunes of oppressed innocence. He was looking out for a faithful agent, and would himself have gone to Philadelphia, but for

the suit against Haldimand which was then in process. After enumerating the grievances which should be redressed, he asks that the evidence of Mr. Sigismond Dubuis, then in Paris, should be taken, he having been present and valued on behalf of the American officers the goods and effects so conveniently left for them to remove. In April, 1786, Ducalvet was paid half his claim by the United States, and boasted that he was the only creditor the Congress had paid. Copies of these letters were made by Roubaud, whilst acting as secretary for Ducalvet, and by him forwarded to the British ministry.

Ducalvet went to Paris, saw Franklin, then proceeded straight to London, where he prosecuted* Haldimand for false imprisonment; quarrelled with every man who had from sympathy tried to help him; and returned for a short time to Canada, but was lost at sea later on during a voyage from New York to London. Some writers went so far as to charge the British authorities with his death, but this is pure imagination, besides they did not know that the papers of that contemptible individual were all the time in the hands of the ministry, who despised him so much that they allowed him to publish his scandalous book in London without molesting him in any manner. Even in Canada, before and during his imprisonment, he might have been sent to the gallows without violating any law thereby.

In 1776 Walker had fled, and no further mention of him is made till 1785, when he appears in London, seated at the table of Ducalvet, whom he entertains with an account of the favour in which Haldimand is held by the King, until Ducalvet can scarcely restrain his passion. Then Walker disappears from the scene.

It is impossible in a history such as this to enter into a criticism of Ducalvet's *Appel à la Justice*. We must be satisfied with a very brief summary of the valuable parts which it contains. After having accused everybody of ill-will against himself and his friends—without letting us

*A similar action had been taken by a citizen of Quebec against Murray, but it did not serve as a precedent. Ducalvet probably remembered the fact when writing his book, as we have seen in this chapter, and he attempted to use the same means of intimidation. Haldimand was arrested. It is to be supposed that the ministry stopped the case by showing the character of Ducalvet, through his own letters.

know why and wherefore, so many people were persecuting him—the pretended martyr plays the statesman and submits a political scheme which he develops under thirteen heads or subjects: 1st, maintainance of French civil laws; 2nd, habeas corpus; 3rd, trial by jury; 4th, irremovability of legislative councillors, judges and even simple law clerks, except in case of forfeiture; 5th, the governor amenable to the laws of the province; 6th, house of assembly elected by the people; 7th, appointment of six deputies to represent Canada in the British Parliament; 8th, liberty of conscience; none to be deprived of his political rights on account of religion; 9th, re-establishment of the Conseil Supérieur; 10th, a military establishment; creation of a regiment with two battalions; 11th, freedom of the public press; 12th, colleges for the education of the youth; revenues of the Jesuits estates appropriated to that purpose, in accordance with their primitive destination; public schools in every parish; 13th, naturalization of Canadians in the whole extent of the British Empire.

It had been the practice during the French regime, and it was a prevailing opinion in 1768 as well as in 1775, that the seigneurs owed military service to the sovereign by the tenure of their lands; that in the acts of “fealty and homage” they promise to perform the same; and that, by the same Acts, they also engage for the personal service of all their vassals and other tenants who hold their lands from them. Carleton was in favour of reviving the ceremony of fealty and homage, as is shown by his letter of the 12th April, 1768:—

“All the lands here are held of His Majesty’s castle of St. Lewis, and nothing, I am persuaded, would be so agreeable to the people, or tend more to securing the allegiance of the new subjects, as well as ensuring the payment of those fines and dues which here stand in lieu of quit rents, than a formal requisition of all those immediately holding of the King, to pay faith and homage to him at his castle of St. Lewis. The oath which the vassals take upon the occasion, is very solemn and binding. They are obliged to furnish what they here term their *aveu et dénombrement*, which is an exact account of their tenants and revenues; and to discharge whatever they owe their sovereign; and to appear in arms for his defence, in case his province is ever attacked. At the same time it would prove a

confirmation to the people of their estates and immunities, after which they most ardently sigh. It might be a means to recall out of the French service such as have yet possessions in this country, or at least oblige them to dispose of their effects here, and although it may not be possible, at least for a time, entirely to prevent that intercourse, every measure that can tend towards putting an end to it, must be useful."

A new system of civil courts, based upon the revived French civil law being established in 1777, a proclamation followed requiring the seigneurs to render *foi et hommage* at the St. Lewis castle, and this was done because the seigneurie holders, having never been called to render this obligation since the conquest, were refusing to pay their dues to the Crown. There is no indication that the order in question was complied with at the time, but in May, 1781, Haldimand succeeded in having the Act performed in *propria forma*. The records of this important ceremony are extant and contain most valuable information. Ducalvet, being detained prisoner, and so unable to appear at the Château Saint-Louis to take the oath with the other seigniors, Governor Haldimand granted him "sufferance until he shall be able to take the oath in person." Later on, the fief of St. David was sold for debt by the sheriff to Jonathan Eckart.

We must not omit the singular adventures of two French priests by the names of François Ciquard and — Cassel, who arrived at Quebec without permission, in the summer of 1783, then went to Montreal *incognito*, were arrested and put on board a ship for England. The citizens of Montreal, headed by MM. Pierre Mezière and J. B. Adhémar, wished to keep them, but the governor said he felt it was his duty to order their deportation. What happened afterwards surprised everybody. At Tadoussac, Ciquard escaped the vigilance of the captain of the vessel and made for the woods. Later on he re-appeared at Montreal, was recaptured, sent to England and returned to France, but in 1791 he came back, again without permission, was arrested, liberated and sent as a missionary to New Brunswick where he remained until 1812 when he was transferred to Lower Canada where he died in 1824.

The Treaty of Versailles (30th November, 1782), recognizing the independence of the revolted colonies, amongst other things, fixed the southern

limits of the Province of Quebec at a line drawn through the centre of the Great Lakes so that Michigan, Illinois and Wisconsin went to the United States.

The Americans had no sympathy for the United Empire Loyalists; they had to go away. Thirty thousand of these unhappy folks went to other British colonies, ten thousand making their abode in Upper Canada, some in the Province of Quebec, and a considerable number in the Maritime Provinces. With regard to Quebec, the ministry thought at first to settle them in what are now called the Eastern townships, but Haldimand was of opinion that it would not be prudent to locate them so near the frontier, because they were of the same religion and spoke the same language as the Americans. Thirty odd years later the British authorities formed in these townships a chain of settlements of Scotch, English, etc., families with a view to preventing the Canadians from reaching the lines of Vermont, New Hampshire and Maine; nevertheless, in about thirty other years, the Canadians had extended to the frontier and penetrated even further.

The immigration of 1785 can be considered the first of any importance since the cession of Canada. In 1770 the whole province appears to have contained only 360 Protestants, mostly devoted to trade and industry. Their number did not increase to any extent till 1785, when it suddenly rose to 15,000. From that date we may take into account the English-speaking element. The census of 1784 shows 113,000 souls in the province, but at the time it was taken no U. E. Loyalists had arrived. Letters of that time state that the Protestants were 15,000 after the coming of the U. E. Loyalists. Therefore, the recognizance of the United States brought the English into Canada, and we must add that the class in question was a very desirable one, far above what official immigration can procure at any time. Their influence in political affairs was to be felt before long, and no doubt the important question of a house of assembly occupied their minds at an early period after their settlement.

The re-organization of the militia was a favourite idea with the Canadians. Ducalvet contended that the nomination and dismissal of the officers being in the hands of the governor, they would simply constitute a corps of politicians under his direction. An elective assembly was becoming a pro-

ject more and more popular. As to the trial by jury, the idea did not please the Canadians, but, in 1784, the council thought fit to adopt it for the province, and the measure passed amidst a gloomy silence.

A petition for the granting of a house of assembly originated in the council, on a motion of William Grant, April 22nd, 1784, and was signed by five or six hundred persons, all English-speaking. The same was followed in December by a series of "objections" printed by Fleury Mesplet* in Montreal, and an address to the King by the Roman Catholic citizens, against the proposal.

At the time of the departure of Haldimand (15th November, 1784), the council was opposed to any change in the constitution, not only because they would lose their positions, but they apprehended the admission of the Canadians to a house of assembly and supposed that no English-speaking candidates would be elected.

During the last year of Haldimand's administration the council was composed as follows: Henry Hamilton, president, Lieut.-Governor; Hugh Finlay, post-office director; Thomas Dunn, James Cuthbert, François Lévesque, Edward Harrison, John Collins, deputy surveyor-general; Adam Mabane, George Pownall, secretary and clerk of governor's office; George Allsopp, Lacorne de St. Luc, J. G. Chaussegros de Léry, Picotté de Belestre, grand-voyer of Montreal; John Fraser, Henry Caldwell, John Drummond, William Grant, deputy receiver-general; Paul Roch de St. Ours, François Baby, Joseph-François Cugnet, French secretary and translator; Joseph-Dominique-Emmanuel de Longueuil, Samuel Holland, surveyor-general; Jenkin Williams, clerk of the council.

Court of Appeal.—The governor, lieut.-governor or Chief Justice Mabane, with at least five members of the council; James Sheperd, clerk.

Supreme Court.—Adam Mabane, Thomas Dunn, Jenkin Williams, judges; James Monck, attorney-general; William Pollock, clerk.

Court of Vice-Admiralty.—Peter Livius, judge; D. Lynd, clerk.

Court of Prerogatives, Quebec.—Adam Mabane, Thomas Dunn, Pierre Panet, judges; R. Murray, clerk.

Court of Common Pleas, Quebec.—Adam Mabane, Thomas Dunn,

*He had founded the *Gazette* of Montreal in 1778.

Pierre Panet, judges; D. Lynd and Pierre-Louis Panet, clerks; J. Shepherd, sheriff.

*Court of Prerogatives, Montreal.**—J. Fraser, E. Southhouse, Hertel de Rouville, judges.

Court of Common Pleas, Montreal.—J. Fraser, E. Southhouse, Hertel de Rouville, judges; J. Burke and — Lepailleur, clerks.

Other functionaries.—Sir T. Mills, receiver-general; Antoine Lefebvre de Bellefeuille, grand-voyer for Three Rivers; Jean Renaud, grand-voyer for Quebec; C. Carleton, forest inspector; Lieut.-Colonel Campbell, superintendent of the Indians; T. Faunce, in charge of the marine; James Frost, captain of the port of Quebec; R. Cumberland, provincial agent; J. Duval, inspector of Quebec markets; Thomas Ainslie, receiver of customs; Thomas Scott, comptroller of customs; Philippe Loch, inspector of customs, Montreal; Edward William Gray, deputy post-office director, Montreal; Samuel Sills, deputy post-office director, Three Rivers; Charles de Lanaudière, grand-voyer of the province; R. A. de Boucherville, inspector of roads.

Lieut.-Governor Henry Hamilton took over the administration at the departure of Haldimand. These two high functionaries were not on good terms with one another. Colonel St. Léger was put out at the head of the military with Colonel Henry Hope as commissary general.

*The district of Three Rivers was abolished in 1764.

CHAPTER XVIII.

Act of Habeas Corpus adopted, 1785—Militia re-organized; also regular corps of troops, 1786, 1788, 1775, 1796—The council, 1785—Party agitation—Lord Dorchester arrives, 1786—Trade, navigation, finance—Land tenure, 1788—New constitution, 1791—Elections, 1792—First session of the Assembly—French emissaries, 1793—Jesuits's estates—Road laws—Departure of Lord Dorchester, 1796—Elections, 1796—McLane conspiracy, 1797—Departure of General Prescott, 1799—State of the province.

Through the influence of Henry Hamilton, the Act of Habeas Corpus was passed by council in the spring of 1785. This was understood to be the result of the book of Ducalvet. The following year, Lord Dorchester amended the system in a way that very much pleased the Canadians. The constitution of 1791 confirmed the measure, which was already well received all around—so that one of the grievances or anxieties of former days was finally settled to the universal satisfaction.

Governor Haldimand had placed (1784) Captain J. B. Bouchette at the head of the marine department on the great lakes, for the purpose of building ships at Kingston, and organizing that branch of the public service which had been completely neglected since the conquest. That officer performed his duty with remarkable skill and intelligence, according to Carleton, Simcoe, the Duke of Kent, the Duke of La Rochefoucauld and others, who visited the works* at various dates. When the "commodore" died in 1802, the Canadian navy on Lake Ontario was in fit condition to meet the exigencies of war. Let us note here that the son of that useful man is known as Joseph Bouchette, author of *The British Dominions in North America*.

Militia matters had not ceased to occupy the mind of the Canadians, as they formed, so to speak, part of their national life, having been accustomed

*A dockyard was established at Kingston in 1789.

to them from 1666 at least until 1763, and being convinced that public safety depended upon their maintenance. Lieut.-Colonel Hamilton wrote, in 1785, commenting on the subject: "Until this day the militia ordinance remains unamended, though its defects are palpable and even acknowledged by those who might reform it. They advance that this is not a proper period, but if a time of peace is not the right time to relieve a people from the burdens indispensably borne in a time of war, these gentlemen see not the readiest means of contenting the Canadians, or are wilfully blind to them." His successor, General Hope, said, a few months later: "A measure which in my humble conception will attach the Canadians still more firmly to His Majesty's government, would be to establish a corps, under certain regulations, for the service of the province, officered chiefly by Canadians, which would hold out some provision for the younger branches of good families, might be made to serve many useful purposes, would restore that martial spirit as congenial to their sentiments, and which would be also a standard for the rest of the country to repair to, when an enemy might threaten the frontier."

Lord Dorchester was well aware of the desire of the Canadians to see a re-organization of the old militia, and even the formation of a regiment after the plan of Ducalvet, but no such permission had yet been granted. He had recourse to a sort of compromise in order to satisfy both the people and the government; this consisted in adding two battalions to the 60th regiment at that time (1786) in Canada. The lieut.-colonel of this new corps was Louis-Joseph Fleury d'Escambault, a Canadian, then an officer in the 109th regiment. The 60th was considered a colonial regiment in the British service and as such was sent from one possession to another having any depot or recruiting establishment in the United Kingdom.

The ordinances of 1788, 1789, from Lord Dorchester re-establishing the old sedentary militia, as it was called, were criticized at the time, notwithstanding that it produced a revival of the military spirit of the Canadians and proved thereby most useful when the war broke out again. No doubt the always-ready anti-Canadians were afraid of such power put in the hands of the people they wished to keep in bondage, but common sense and better intelligence prevailed all through the province.

The Duke of Kent not only expressed himself very glad to notice the good effect produced in the country by the two battalions of 1786, but went farther in opening the way for several young Canadians who were willing to join the British army over the world. From these we obtained, in 1812, the services of experienced officers who took a conspicuous part in our war against the United States.

The militia bill of 1795, passed by the legislative assembly, contained a few changes in the ordinances, of which it was simply a consolidation. As a rule militia laws have to be recast every now and then to comply with the requirements of the time, but all those enacted from 1795 till 1868 were after all the same as Dorchester had made them.

On the eve of his departure for England (1796) the governor left instructions for the raising of two battalions, in which a number of officers were Canadians, and we must here remark that this happy decision was a stepping stone to prepare officers and non-commissioned officers for the trying events of 1812, when that regiment furnished drill instructors, etc., for the raw militia called for service in the absence of regular troops.

Colonel Henry Hope, acting as quarter-master-general, was promoted to the rank of brigadier-general and appointed lieutenant-governor of the province, in August, 1785, which information he received about the 20th of October. As Hope was a friend of Haldimand, the removal of Hamilton indicated quite a change in the policy of the government. Haldimand had written a memorandum in which he said that the "spirit of opposition to every measure which I have proposed in, or out of, council, for the King's service, has been so strongly manifested by some members of the legislative council and by the attorney-general, particularly since Lieut.-Governor Hamilton's arrival at Quebec, who has thought fit to place himself at the head of that party, and the infection has been so industriously spread by means of the clergy and other agents, that I despair of seeing that mutual confidence and harmony subsist in the council or amongst the people, which is so indispensably necessary to the King's service and well-being of the province, while these gentlemen remain in office. . . . This party is composed of the Lieut.-Governor, Messrs. Finlay, Grant, Allsopp, Cuthbert, De Léry and Lévesque. . . . It is highly necessary to discountenance the

correspondence carried on by the people styling themselves deputies from Canada, and supported by Mr. Maseres and others, applying for a change of government by the establishment of a house of assembly. . . . The clergy whose devotion to the interests of France has of late been strongly manifested, are deeply engaged in this party, and unless measures are speedily taken to check the progress of it, so as to deter the clergy from persisting, it will ultimately be necessary to withdraw some of them from that country."

"Canada is no longer what it was at the conquest; it is much altered since the American independence took place," said Lieut.-Governor Hamilton, in 1785. A singular episode of that time shows the Canadians in a new light, especially if the reader remembers the kind of awe with which they were accustomed to consider the authority, the promulgation of ordinances, the sittings of the Quebec council, etc. In 1784 a number of citizens of Quebec asked to be allowed to be present at the debates of the legislative council, "because such debates have for their object the benefit of the province, and some like reasons." Hamilton favoured the movement. The temperature of the public mind was at freezing point before 1760, now, in 1784, it has risen to "temperate," and will go higher during the twenty years to come, but never to "blood heat," except in three or four counties of the district of Montreal in 1837.

Lord Dorchester arrived on the 23rd of October, 1786, as governor-in-chief for Canada, Nova Scotia and New Brunswick. The motives of his re-appointment were: 1st, that he understood the Canadians and the party feeling of others better than any man in the service; 2nd, he was full of resources by reason of his natural talents and long experience in Canada; 3rd, trouble with the United States seemed imminent.

The following statements show the vessels and cargoes arrived at Quebec from 1768 to 1783:—

Great Britain.—1768, 15; 1769, 27; 1770, 20; 1771, 29; 1772, 26; 1773, 43; 1774, 55; 1775, 64; 1776, 27; 1777, 43; 1778, 38; 1779, 41; 1780, 27; 1781, 52; 1782, 61; 1783, 39. *Tons.*—1768, 2,109; 1769, 4,486; 1770, 2,570; 1771, 3,368; 1772, 2,837; 1773, 5,098; 1774, 7,040; 1775, 8,144; 1776, 4,759;

1777, 5,922; 1778, 6,111; 1779, 6,206; 1780, 4,551; 1781, 8,502; 1782, 10,957; 1783, 6,067.

West Indies and southern ports of Europe, Africa, etc.—1768, 7; 1769, 5; 1770, 6; 1771, 16; 1772, 14; 1773, 5; 1774, 25; 1775, 15; 1776, 6; 1777, 12; 1778, 18; 1779, 11; 1780, 10; 1781, 12; 1782, 9; 1783, 15. *Tons.*—1768, 720; 1769, 745; 1770, 275; 1771, 1,496; 1772, 1,297; 1773, 280; 1774, 1,705; 1775, 1,214; 1776, 525; 1777, 1,008; 1778, 1,511; 1779, 1,141; 1780, 1,314; 1781, 1,500; 1782, 1,170; 1783, 1,315.

Continent of America.—1768, 17; 1769, 50; 1770, 22; 1771, 32; 1772, 22; 1773, 39; 1774, 76; 1775, 36; 1776, 16; 1777, 14; 1778, 20; 1779, 7; 1780, 5; 1781, 6; 1782, 2; 1783, 16. *Tons.*—1768, 785; 1769, 2,080; 1770, 1,325; 1771, 1,720; 1772, 1,179; 1773, 2,599; 1774, 5,427; 1775, 2,433; 1776, 874; 1777, 731; 1778, 1,923; 1779, 395; 1780, 485; 1781, 505; 1782, 120; 1783, 1,410.

Importations during the same period was as follows:—

| | Rum, gal. | Molasses, gal. | Wines, ton. | Wines, gal. | Sugars, cwt. | Tea, lbs. | Gunpowder, lbs. | Salt, bush. | Coffee, cwt. | Brandy, gal. | Tobacco lbs. |
|-----------|--------------|-------------------|----------------|----------------|-----------------|--------------|--------------------|----------------|-----------------|-----------------|-----------------|
| 1768..... | 285,754 | 18,629 | 195 | 133 | 212 | 4,293 | 11,100 | 17,000 | 146 | ..... | ..... |
| 1769..... | 268,528 | 54,487 | 610 | 155 | 195 | 3,953 | 51,500 | 9,100 | 229 | ..... | ..... |
| 1770..... | 233,386 | 81,244 | 524 | 72 | 517 | 7,785 | 72,760 | 5,929 | 129 | ..... | ..... |
| 1771..... | 220,587 | 70,152 | 331 | 32 | 645 | 11,892 | 60,475 | 52,089 | 347 | ..... | ..... |
| 1772..... | 283,395 | 62,073 | 195 | 128 | 503 | 11,080 | 54,250 | 76,323 | 267 | ..... | ..... |
| 1773..... | 378,633 | 100,280 | 843 | 20 | 964 | 7,031 | 138,666 | 5,500 | 244 | ..... | ..... |
| 1774..... | 752,442 | 193,559 | 445 | 241 | 1,087 | 3,921 | 46,450 | 72,046 | 262 | ..... | ..... |
| 1775..... | 7,400 | 64,701 | 1,218 | ... | 598 | 13,903 | 75,806 | 14,376 | 12 | ..... | ..... |
| 1776..... | 116,144 | 78,504 | 324 | 200 | 684 | 23,884 | 62,200 | ..... | 385 | ..... | ..... |
| 1777..... | 263,911 | 60,250 | 846 | 49 | 1,130 | 49,743 | 130,270 | 4,500 | 334 | ..... | ..... |
| 1778..... | 378,582 | 160,774 | 817 | 48 | 71 | 40,715 | 137,068 | 29,669 | 627 | ..... | ..... |
| 1779..... | 450,842 | 83,199 | 788 | 235 | 1,453 | 34,854 | 50,600 | 12,350 | 416 | ..... | ..... |
| 1780..... | 233,007 | 104,658 | 1,227 | 167 | 1,638 | 18,654 | 6,130 | 13,920 | 704 | 27,600 | 10,260 |
| 1781..... | 344,263 | 80,331 | 1,179 | 195 | 2,547 | 50,540 | 67,803 | 51,849 | 867 | 300,600 | 64,020 |
| 1782..... | 72,771 | 58,072 | 714 | 173 | 990 | 30,329 | 25,800 | ..... | 256 | 656,144 | 5,300 |
| 1783..... | 108,345 | 139,481 | 805 | 90 | .... | 23,045 | 20,800 | 57 ton | 64 | 181,841 | 55,479 |

The yearly average of duties upon produce of Great Britain received in the port of Quebec from 1768 to 1773, was £550; and from 1774 to 1779, £1,200.

Exportations in 1786 amounted to £325,116; importations, £248,262.

During the season of 1791 the vessels cleared from the port of Quebec with cargoes for London, Liverpool, Bristol, Greenock, Falmouth, Aberdeen, Temple Bay, Harbour Grace, Murray Harbour, Jersey, Newfoundland, St. John Island, Nova Scotia, New Brunswick, Surinam, Barbadoes,

Jamaica, Fogo, Oporto, Grenada, Madeira, Cadix, Lisbon, Gibraltar, Barcelona, Leghorn, were 84 in number, representing 14,631 tons, and carrying various kinds of goods, as follows:—

Wheat, 193,575 bushels; flax seed, 12,719 bushels; oats, 5,600 bushels; peas, 4,502 bushels; potatoes, 250 bushels; onions, 26 bushels; flour, 6,233 barrels; herring, 138 barrels; hoofs of orignal, 1 barrel; essence of spruce, 7,088 casks; potash, 1,010 casks; Madeira wine, 120 casks; oil, 3,455 casks; codfish, 251 casks; cider, 1 cask; nails, 5 casks; apples, 3 casks; biscuits, 4,224 quintals; bread, 1,776 quintals; salt, 154 tons; Canada balsam, 36 kegs; cranberries, 66 kegs; salmon, 1,554 tierces; turkeys, 3 dozen; fowls, 6 dozen; old copper and brass, 696 pounds; coal 58 chaldrons; gin, 30 puncheons; pine boards, 26,000 pieces; pine planks, 8,913 pieces; pipe and puncheon staves, 244,263 pieces; heading, 9,223 pieces; spars, 12 pieces; white pine masts, 60 pieces; white pine bowsprits, 39 pieces; hand-spikes, 160 pieces; peltries, 3,458 packages; baggage, 267 packages; wearing apparel, 13 trunks; window glass, 6 boxes; packs, 389 pipe; barley, 43 sacks; Indian corn, 100 sacks; oak timber, 1,859 feet; scantling, 456 feet; bullocks, 7; ox hides, 19; sheep, 50; cows, 2; horses, 5; live oxen, 10; turkeys, 160; hoops, 24,000; bricks, 5,000.

Grain exportation seems to have been the staple goods in that line of business from 1764 to about 1800, when many other products had their share of the outside trade. Shipbuilding only commenced in 1790, but the twenty-five years of war which followed immediately developed that industry to the utmost. The “years of plenty” ran between 1785 and 1820. Of course, the Canadian commerce outside was solely transported in British vessels, but was not confined to Great Britain, except during the French revolution, then during the Consulate, afterwards the Empire of Napoleon; the resources of Canada became of great importance to Great Britain and everything prospered wonderfully. The crop of 1796 yielded 400,000 bushels of wheat.

The merchants of Montreal applied (1790) for the establishment of a custom house independent of Quebec, because the cargoes of the vessels were obliged to be landed at that port, “which must be attended,” they said, “with very heavy expenses for agents, wharfage and labourers, besides

the waste that will happen on liquor." There were no steamers at that time and the sailing vessels had to make their way, assisted or retarded, as the case may be, by the wind. The petition was refused on the ground taken by the naval officers that if it was granted, the passage between the two cities would be taken advantage of by the country merchants, shop keepers, publicans, etc., to carry on a illicit trade. In 1799 a proposal was made for the establishment of a separate custom house in Montreal, but the merchants of that place objected strongly against such a step, stating that when the application of 1790 was rejected the instructions given by the commissioners of customs gave such relief, and that there was so much greater facility for their import and export trade that there was no need of it, and besides that a separate and independent custom house "may introduce intricacies, difficulties, delays and expenses beyond what exist or can be foreseen, and, if so, render the means of redress extremely tedious, not to say impracticable."

The commissioners appointed in 1794 to adjust with Upper Canada all matters concerning duties and drawbacks to be allowed in favour of that province reported that one-eighth part of the revenue would be payable in that manner to that province. New arrangements became necessary after a few years, and from time to time until 1840, all of which were made through a commission similar to the above.

In 1792 the gross receipts constituting the revenues of the province amounted to £5,504; after deducting expenses of collection, etc., the net sum in sterling was £4,957. In 1793 the revenues brought £8,623, reduced by cost of collection, etc., to £7,709. No public debt. The expenses for 1794 were £19,985.

The revenue for 1795 was £11,141 currency; the civil expenditure, £24,711 currency, including £1,205 to Upper Canada for its portion of the duties levied in Lower Canada. The salaries of the officers of the legislative council and assembly, and contingent expenses thereof, amounted to £1,565 currency, but the funds raised by Act of Parliament to cover that item only furnished £1,132.

The revenues for 1796 amounted to £18,775; civil expenses, £25,380 currency, including £1,040 refunded to Upper Canada for duties levied.

The cost of legislation was £1,845, exceeding by £392 the funds appropriated for this purpose by law.

The civil expenditure of the province for 1799 amounted to £24,597 sterling, besides the expenses of the legislature, amounting to £1,499 currency. The revenues amounted to £25,427 currency.

The management of the finance received no attention from the Imperial authorities. High salaries were paid for mere sinecures, and higher appointments still were made and higher salaries paid to pretended colonial functionaries who simply remained in England. As the revenue of the province could not meet the whole of this lavish expenditure, the balance or deficit was covered by the army funds. To this the Canadians had nothing to say, except that if the administration of the public purse could be put into their hands they would bring the expenditure within the public revenue.

| | |
|--|-------------|
| Governor-General | £2,500 stg. |
| William Osgoode, chief justice, province. | 1,200 " |
| James Monck, chief justice, Montreal. | 900 " |
| Thomas Dunn, judge | 500 " |
| James Walker, judge | 500 " |
| Isaac Ogden, judge | 500 " |
| Pierre-Louis Panet, judge | 500 " |
| Jenkin Williams, judge, | 500 " |
| P.-A. de Bonne, judge | 500 " |
| Pierre-Louis Descheneux, judge, Three Rivers. | 300 " |
| James Kerr, judge, vice-admiralty. | 200 " |
| Sir George Pownall, registrar and provincial secretary. | 400 " |
| Jonathan Sewel, attorney-general (besides fees). | 300 " |
| Louis Charles Foucher, solicitor-general (besides fees). | 200 " |
| Henry Caldwell, receiver-general | 400 " |
| Thomas Aston Coffin, inspector of accounts. | 365 " |
| Samuel Holland, surveyor-general | 300 " |
| John Coffin, superintendent of forests. | 200 " |
| X. de Lanaudière, translator | 200 " |
| Charles de Lanaudière, grand-voyer | 500 " |

The sixteen members of the legislative council got each one hundred pounds sterling per annum. Among them were Osgoode, Dunn, Panet, Monck, De Bonne, who already had a salary from the government. Ryland, clerk of council, was in receipt of £400 as such, and as secretary to the governor, £200, besides fees, etc.

The above sums of money must be multiplied by three to give the present value of the currency. Therefore, £300 in 1800 corresponded to £900 in 1900, and so on.

A weekly mail was established between Montreal and Burlington, in January, 1797; and at the same time, "a mail for the upper countries, comprehending Niagara and Detroit," was started from Montreal, the bags to be closed on the 30th January, "to be forwarded by the annual winter express, on the 3rd February." Communication by mail, at long distances, had been difficult and slow until then. Both provinces, during the winter, were cut off from Great Britain, unless using the American service, "but everything was in rapid progress of development; the resources of the country were beginning to be understood at home, and the capital and energies of the British race were employed to develop them; nothing that could, in the way of trade, be turned to account escaped attention, nor was allowed to stand still."* The *Quebec Gazette* of the 8th March published the news from New York dated 16th February, and European papers of the 15th December last. The mail between Quebec and Montreal was weekly.

The year 1789 fully occupied the attention of our people with divers important subjects, such as the nature of the promised constitution; threatening of war with the United States; the outbreak of the revolution in France; and the change of land tenure as submitted to the council.

The British Parliament voted money to help the U. E. Loyalists pending the delay by the United States to indemnify the exiled families, as had been stipulated in the Treaty of Versailles, but seeing the bad faith displayed by Congress on that subject, the British authorities had not yet evacuated some of the forts comprised in the limits of the States, and this was the cause of a friction bordering on war.

*Christie: *History of Lower Canada*, I. 177.

Even among the Canadians there was a growing feeling in favour of the English system of freehold tenure of land; petitions almost invariably asked that the grants be given in this form. Between 1775 and 1792 we found no indication of a grant *en seigneurie*, although the provincial authorities possessed the right to make such grants. On the other hand, there seems to have been a desire on the part of some seigniors to have their tenures converted into the new form.

One of the most important seigniors of the province, Charles Tarieu de Lanaudière, aide-de-camp to the governor and grand-voyer general, whose travels in Europe had reduced his means considerably, proposed (1788) to declare the seigniors absolute proprietors of their lands, that is to adopt free and common socage. This was nothing else than the destruction of the seigniorial system. All the country people were alarmed at that plan and no action was taken upon it. Most of the "servitudes" M. de Lanaudière argued in support of his request, both on the side of the settlers and the seigniors, had already been abolished, or had never existed practically. Some of the seigniors, such as De Bonne, St. Ours, Juchereau-Duchesnay, Belestre, Taschereau, Panet, Dunière, Berthelot and Pierre Bédard, the last, but not the least, voted against the project, probably because they were sensible to the danger of losing popularity. Seigniors and noblesse were placed between the mass of the people and the government and, in reality, drew their strength from the people.

By the constitution of 1791 lands in Lower Canada were to be given under free and common socage only when the applicant so desired, and the grant *en seigneurie* were in no wise modified.

Now comes the Act of 1791, which was a stride in the destiny of Canada.

The British Parliament was animated by something resembling a spirit of reformation in the administration. Since Ducalvet's book had induced a certain number of Canadians to ask for a change in their mode of government, there was decidedly a better prospect for the future.

"The progress of opinion in Europe, and the movement in France at that time, probably had some influence upon the minds of those at the helm of affairs in England, in their determination to leave to their fellow-sub-

jects in Canada nothing to be coveted in the example of foreign counties, particularly in the neighbouring one, and to bestow upon them a constitution as liberal as they could desire, and as might consist with the dependence of the province upon the Crown and Parliament of Great Britain.”*

The bill was introduced before Parliament on the 4th March, 1791. Long and elaborate speeches were delivered in favour of it, as well as against. That was the time *par excellence* when the oratorical science flourished in Europe. Very little that is wise or practicable can be gathered from that mass of phrases—and all of it was but a repetition of what had been said about Canada during the last thirty years. Some wished that the council of the colony be made elective; others said that the members of that branch of the legislature should be hereditary like the Lords. Was the bill calculated to assimilate the Canadians to the British element? Yes. Was it intended to leave the Canadians out of contact with the British element? Yes. Can it be expected that the Canadians will adopt the English language? Yes. Would the new constitution facilitate the Canadians in the use of their language? Yes. All this went on amidst flowery periods, so that the contradictions could not be visible anywhere.

The Act divided Quebec into two provinces: Upper and Lower Canada, each with a legislative council appointed by the Crown, and a house of assembly elected by the people.

“I hope,” said Mr. Pitt, in introducing the bill before Parliament, “that the separation will put an end to the competition between the old French inhabitants and the new settlers from Britain and the British colonies.”

No person being a legislative councillor or a clergyman of the Church of England or Rome, or a teacher of any other religious profession, was eligible to the house of assembly.

All laws and ordinances of the province were to remain in force till altered by the new legislature. The Habeas Corpus Act was to be continued as a fundamental principle of the constitution. In order to make provision for the Protestant clergy, an allotment of lands was to be reserved, but not without the assent of the British Parliament. The tenures

*Christie: *History of Lower Canada*, I. 67.

of land generally were to be settled by the local legislature. To prevent any such dispute as that which separated the thirteen states from the mother country, it was provided that the British Parliament should impose no taxes but such as might be necessary for the regulation of trade and commerce; and to guard against the abuse of this power, such taxes were to be levied and disposed of by the provincial legislature.

Mr. Adam Lymburner, a Quebec merchant and a man of intellect, was heard before the House of Commons and said amongst other things, that though sixteen years have elapsed since the Quebec Act began to operate, it is yet to be determined what or how many of the laws of France composed the system of Canadian jurisprudence previous to the conquest, or even if there was any positive system, particularly for commercial transactions. . . . Neither the judges, the lawyers nor the people understand what were the laws of Canada previous to the conquest. There has been no certainty on any object of litigation except in such matters as regarded the possession, transmission or alienation of landed property, where the custom of Paris is very clear. . . . I cannot conceive what reasons have induced the proposition to separate or divide the provinces into two governments. . . . The strong principle of nationality or national prejudice which at present connects the people of that province to one another, as being members of one state, who, though scattered over an immense country, yet all look up to one centre of government for protection and relief, is of the utmost consequence to the security of a country where the inhabitants are so much dispersed. . . . The new province will be entirely cut off from all communication with Great Britain. . . . From their situation they cannot carry on any foreign commerce but by the intervention and assistance of the merchants of Quebec and Montreal. . . . Now, supposing the division to take place—as it may be expected that the new legislature of Quebec shall, in due time, provide a revenue towards the support of the civil government of that part of the province, it is more than probable that whatever money is raised for that or any other public purpose, will be levied by duties payable on importations. . . . Consider how far the people inhabiting the upper government will approve of, and be content to pay taxes or duties on their importations or exportations, when the pro-

duce of those taxes or duties is to be applied towards supporting the expenses of a civil government of the lower province. . . . When we propose that the province should, as soon as her affairs are brought into some kind of order, raise the necessary supplies for defraying the expenses of its civil government, we consider it a duty we owe to the Empire to relieve Great Britain of that charge. . . .”

The Duke of Kent arrived in Quebec (12th of August, 1791) with the news that a constitution for Canada had been voted in Parliament. Five days later Lord Dorchester embarked for England, leaving Major-General Alured Clarke at the head of the government. The Act was put in force on the 26th December of that year.

The banquet tendered to the prince (29th December) by the citizens of Quebec was remarkable for the conviviality of those present; the compliments paid to the King's son; the unbounded satisfaction created by the recent Act of Parliament; the liberal views expressed in the speeches, that might have delighted Ducalvet himself—and the guests, including the prince, went so far as to drink a toast in honour of the French revolution.

The elections took place in June, 1792, “and were in general warmly contested, and on the whole, the people judiciously exercised their franchise by a good selection of members at this outset of the constitution, the best, as some will have it, made during the existence of Lower Canada as a province. There were several merchants in the body, at the first standing in Quebec and Montreal.”*

The executive council appointed by the Crown, for life, was composed of William Smith, Chief Justice; Paul Roch de St. Ours, Hugh Finlay, François Baby, Thomas Dunn, Joseph-Dominique-Emmanuel de Longueuil, Pierre Panet, Adam Mabane. Legislative council: William Smith, J.-C. Chaussegros de Léry, Hugh Finlay, Thomas Dunn, Paul Roch de St. Ours, J.-D.-E. de Longueuil, Edward Harrison, François Baby, John Collins, Charles de Lanaudière, George Pownall, R.-A. de Boucherville, John Fraser, Sir John Johnson.

The members of the legislative assembly elected by the people were: Edward O'Hara, William Grant, James Todd, Robert Lester, John Barnes,

*Christie: *History of Lower Canada*, I. 126.

John Young, James McGill, David Lynd, Joseph Frobisher, John Richardson, James Walker, Jacob Jordan, John Lees, Thomas Coffin, Matthew McNider, Jean-Antoine Panet, Pierre-Louis Panet, Bonaventure Panet, Pierre Bédard, Gabriel-Elzéar Taschereau, Joseph Papineau, P.-A. de Bonne, M.-E.-G. de Lotbinière, Louis-Ignace-Michel-Antoine de Salaberry, A. Juchereau-Duchesnay, François Dambourgès, J.-M. de Tonnancour, Hypolite St. George Dupré, P.-P.-M. de Lavaltrie, Louis Dunière, J.-B.-M. Hertel de Rouville, Philippe-Auguste de Rocheblave, G.-C. de Lorimier, Nicolas-Gaspard Boisseau, Pierre Quérout, Benjamin Cherrier, François-Antoine Larocque, Louis Olivier, Nicolas St. Martin, Pierre Legras-Pierre-ville, René Boileau, François Mailhot, Jean Digé, Joseph Lacroix, J.-B. Durocher, Augustin Rivard, Jean Boudreau, Joseph Dufour, Pierre Marcoux.

The English-speaking population could have been given five seats, according to their numbers compared with the Canadians, but in no county had they a majority. Fifteen of them were returned, almost, we may say, by Canadian votes. This shows how friendly the two elements were together. It had been said that all the seats would go to the Canadians because they had plenty of men of education to take them, but quite another spirit prevailed at the time of the election.

The first meeting of the assembly took place on the 17th December, 1792. M. M. de Bonne and Dunière proposed Jean-Antoine Panet as speaker. Mr. Grant was also named, but the choice passed successively to M.M. McGill and Jordan, and, after a debate, Panet was elected. The next point to be settled had reference to the records, whether they would be all in English and a French version of them kept. The bitterness of the attacks made on that occasion against the use of the French language produced not only a great disappointment among the Canadians, but also a feeling which lasted for half a century. The conclusion of the house was that the registers would be kept in both languages separately.

We must mention for the sake of curiosity an Act passed at this first session "to permit the importation of wampum from the neighbouring States by the inland communication of Lake Champlain, and the River Richelieu or Sorel." This kind of money made of shells properly worked

after the Indian fashion, had been in circulation from time immemorial. Most of it was furnished by the Andastoes of the Susquehanna. It became a medium of exchange with the early traders. Massachusetts made it legal in 1648. The Dutch afterwards introduced the lathe in manufacturing this currency and soon had the monopoly of this article for the Indian trade.

From 1793 to 1796 the assembly dealt with various subjects, namely: education; the privilege to propose all measures involving public expenditure; abolition of slavery; the division of the province into judicial districts; declaration of war against France; the right of the house to vote subsidies, which subject raised the council to a high pitch; taxation on wine; re-organization of the militia; administration of the department of justice; the want of revenues to meet the expenses of the government; division of the province into three districts, with Gaspé as an inferior one; inviolability of the members of the assembly; expressions of loyalty towards the throne, by opposition to the sentiments of the French revolution; admission of the public into the galleries of the house; quarantine of the vessels as a sanitary precaution; custom revenues for Upper and Lower Canada; roads and bridges; taxation on spirits, sugar, coffee, salt, tobacco; exportation of grains; foreigners; French immigrants; unity of coins; forced labour; fur trade and protection to men hired in that class of business.

The revolution in France had rendered the position of their clergy rather precarious. Some of them wished to take refuge in Canada and, for that purpose, applications were sent to the Imperial authorities. Permission to that effect having been granted, the Catholic Bishop of Quebec, Mgr. Hubert, took the necessary steps to receive them and locate each one in an appropriate manner. The first proposal was for the accommodation of a few thousands, but only about forty came from 1791 to 1799, so that the burden was very slight, inasmuch as the province, as well as the Maritime countries were in want of priests to that extent.

There were emissaries from France, or from the United States, in the province, busying themselves in propagating the principles of the French revolution, as shown by a proclamation of the governor-general of the 26th

November, 1793, requiring all magistrates, captains of militia, peace officers and others, to be vigilant and to do their utmost to discover and secure every person who might hold seditious meetings or distribute libellous papers, tending to excite discontent, "but the Canadians were in general well disposed, and instructed by the clergy and others residing among them; perusing the public journals of the recent atrocities in France, they justly held them in detestation and horrors."*

It is true that our population treated the roving French emissaries with contempt, but that was not enough to get rid of them, or rather they were never the same, for, during many years, one after another, these pests made their appearance here and there under Robespierre, Barras and Napoleon, successively, and tried to raise among us an anti-British sentiment. As a rule, they accomplished very little, if indeed they found anybody to listen to their arguments; nevertheless, their presence annoyed the authorities and created an uneasy feeling. Measures were taken to check their actions, and even to prevent any Canadian coming from France to re-enter the province for fear that they might be imbued with the principles of the revolution.

After the disaster of Quiberon (1795) Comte de la Puisaye, with about thirty followers, was permitted to settle here, but they were sent to the vicinity of York, in Upper Canada, far away from the Canadian population. They returned to France at the peace of 1801.

The proposed grant of the Jesuit estate to Lord Amherst was never completed. A petition signed by 195 citizens of Quebec, dated 1787, states the claims believed to be possessed by the population of Canada to these properties, showing the right of His Majesty's faithful subjects of Canada to be educated in the Jesuit College, and at the same time defines those of the Reverend Fathers, "who under the ancient government were only professors or successive administrators thereof." The *mémoire* attached to the petition elaborates these two points, the conclusion being as follows: "As Canadians and citizens they have a right therein by their titles and the laws; the College of Quebec having been founded for their education, it is their patrimony which they have cleared and cultivated; even as sub-

*Christie: *History of Lower Canada*, I. 171.

jects they have a right to public education, which exists in every government. It is with truth and justice they declare that neither the Jesuits nor their creditors have any right to dispose or confiscate the college and its dependancies to the prejudice of His Majesty's faithful subjects, the Canadians." The statement is repeated several times that the Jesuits were only professors or managers of public property for purpose of education, the emphatic words used in one of the allegations being: "It must have been an error when it was said, that the estates and edifice of the college for education belonged to the Jesuits, who were no more than rectors, professors or managers. . . . Would it have entered into the generous minds of the citizens, of a Hundred Associates, or of any one who had founded the college for education, that they gave the property thereof freely and fully to the Jesuits, who according to their institution could not have it in any other manner than as dependant upon the General of the Society of all the Jesuits throughout the Universe." The petitioners then demand that the troops should be dislodged, and prayed that a lawful meeting should be held of natives or residents in the province, having an essential interest therein, heads of families, "for the purpose of electing a proper number to represent them as directors or managers of the said college and its estates, to preserve them . . . and cause exactly to be fulfilled the wishes of the laudable founders by soliciting the approbation of government, and to restore the ancient professors of the college or to name others, and regulate the recompense due to their talents and attentions."

In 1793 a petition was addressed to the house of assembly by the inhabitants of Montreal, the prayer of which was to a similar effect as that in the petition from Quebec of 1787, and this being approved of by the assembly, a petition was forwarded by that body to the King praying that on the reversion of the Jesuit property means should be taken to apply it to the education of youth in the province, a purpose it alleged apparently congenial to the original intention of the donors. There is no doubt that the rural population also was against the proposed grant to Lord Amherst. In the report of the committee of the executive council, a postponement of the issue of the grant is recommended until all the documents relating to the properties are laid before the King, but a further reason for the sug-

gested postponement is to be found in the letter from Sir Robert S. Milnes, accompanying this report. In it he says that he did not feel justified in submitting to the executive council the policy of the grant to Lord Amherst, "but they have individually acquainted me with their opinion that it would be a most unpopular measure, and I feel that I should be wanting in my duty were I now to omit stating to Your Grace my apprehensions that whenever the grant shall actually pass, it will occasion very general dissatisfaction throughout the province, the consequence of which may be greatly extended by the turn of affairs on this continent." He then proposes, seeing the magnitude of the estates, to divide them, giving such share as the commissioners might decide to be sufficient to make satisfactory provision for Lord Amherst; the rest to be reserved for public use, so as to satisfy the minds of the inhabitants. A personal investigation, however, into the value of the estates, made in the course of a tour during the months of January and February of 1800, led him to withdraw his proposal, as the whole of the estates did not produce such an amount as could be divided with advantage. As a consequence in a letter dated the 5th of April, of the same year, he suggests another method of carrying out the King's intentions with respect to Lord Amherst, but is even more emphatic in his recommendation to have the resources for education increased, not only for young men preparing for the liberal professions, but also for the whole population. The death of the last surviving Jesuit, Father Cazot, removed in the opinion of the lieutenant-governor, one of the arguments of the house of assembly, from which he expected no further opposition to the grant in question, however unpopular that measure might be. He also urges the postponement of the issue of the patent, until a more certain account of the value of the lands can be transmitted. "I feel myself called upon," he says, "to report to Your Grace that the absolute want of the means of a liberal education is so severely felt that it will at all events be very grating to the Canadians to see so large a property converted to other purposes, and that it would considerably lessen their dissatisfaction could any promise with respect to the establishment of a college be at the same time held out to them." The matter remained in abeyance.*

**Canadian Archives*, 1892, p. XIV.

A general embargo on wheat, peas, oats, barley, Indian corn, flour and biscuit was laid in 1795 in consequence of a deficiency in the harvest, both in Europe and in Canada.

In closing the session of the legislative assembly, on the 7th of May, 1796, Lord Dorchester* expressed his approbation of the proceedings, and added: "I must observe that the unanimity, loyalty, and disinterestedness manifested by this first provincial Parliament of Lower Canada, have never been surpassed in any of His Majesty's provincial dominions, and I feel convinced that the prosperity and happiness of this country will continue to increase in proportion as succeeding Parliaments shall follow your laudable example."

The first sign of trouble amongst the populace on account of measures passed by the assembly took place in 1796, when objection was raised to the road laws, but, as the advantages of the new system soon became apparent, the spirit of resistance abated, before going too far, yet not until imprisonment had cooled some of the hot heads.

The elections of June, 1796, brought back to the assembly thirty-six numbers out of the former fifty of that corps. The population was, 160,000 Canadians, 15,000 English-speaking. Each Canadian elected represented 5,000 souls; each English-speaking one about 1,000. The administration was as follows: General Robert Prescott, Lieutenant-Governor; François Lemaitre, a Huguenot, Lieutenant-Governor of Gaspé; executive council, Paul-Roch de St. Ours; Hugh Finlay, François Baby, Thomas Dunn, J.-D.-E. de Longueuil, Pierre Panet, Adam Lymburner, James McGill, William Osgoode, Chief Justice; James Monck, Chief Justice; Pierre-Amable de Bonne, John Lees, Juchereau-Duchesnay, John Young, the Anglican Bishop, Herman Witsius Ryland, clerk; Jacques-François Cugnet and Xavier de Lanaudière, translators and French secretaries. Legislative council: Osgoode, Chief Justice; J.-G. Chaussegros de Léry, Hugh Finlay, Thomas Dunn, Paul-Roch de St. Ours, François Baby, J.-D.-E. de Longueuil, Charles de Lanaudière, Sir George Pownall, René A. de Boucherville, Henry Caldwell, the Anglican Bishop, James Monck, Chief Justice; William

*He had arrived from England 24th September, 1793. He left Quebec for the last time 9th July, 1796.

Smith, clerk; J.-F. Cugnet, translator; Charles E. de Léry, assist. translator; Guillaume Boutillier, gentleman usher of the black rod.

Honourable Sir George Pownall, secretary and clerk; Honourable Hugh Finlay, post-office director, clerk of the Crown in Chancery, auditor-general; W. H. Ryland, governor-general's secretary; T. A. Coffin, auditor and inspector-general of provincial accounts; Honourable Henry Caldwell, receiver-general; John Craigie, storekeeper-general; Joshua Winslow, deputy paymaster-general; John Lees, army contractor; Thomas Faunce, naval officer and town major of Quebec; John Frost, captain of the port of Quebec; R. Cumberland, provincial agent; G. E. Taschereau, grand-voyer of Quebec; John Antrobus, grand-voyer of Trois-Rivières; Honourable R. A. de Boucherville, grand-voyer of Montreal; Edward O'Hara, grand-voyer of Gaspé; M. Valentine, marine officer at Oswego; John Coffin, inspector of forests and Quebec police; St George Dupré, police inspector, Montreal; Philippe de Rocheblave, clerk of land titles; Patrick Conroy, inspector of customs at St. John's; Thomas Ainslie, collector of customs.

COUNTIES AND MEMBERS.

Gaspé.—Edward O'Hara.

Corwallis.—From Cape Chat to Ste. Anne de la Pocatière.—Alexandre Menut, Pascal Sirois (he died, 1797, and was replaced by Pascal-Jacques Taché).

Devon.—Ste. Anne de la Pocatière to Rivière du Sud.—Nicolas Dorion, François Bernier.

Hertford.—From Rivière du Sud to Point Lévy.—Louis Dunière, Félix Têtu, jr.

Dorchester.—Charles Bégin, Alexandre Dumas.

Buckinghamshire.—From Point Lévy to Sorel.—John Cragie, G. W. Allsopp.

William-Henry or Sorel.—Jonathan Sewell.

Bedford.—From Sorel to the limits of the province.—Nathaniel Coffin.

Richelieu.—Benjamin Cherrier, Charles Millet.

Surrey.—From St. Ours to the limits of Varennes.—Philippe de Rocheblave, Olivier Durocher.

Kent.—From Varennes west to Longueuil.—Antoine Ménard-Lafontaine, Jacques Viger.

Huntingdon.—From Longueuil to the limits of the province.—Joseph Perinault, Joseph Perrault.

York.—From Soulanges to Rivière du Chêne.—Hubert Lacroix, Joseph Ethier.

Montreal East.—Alexander Auldjo, L. C. Foucher.

Montreal West.—Joseph Papineau, Denis Viger.

Montreal county.—J. M. Ducharme, Etienne Guy.

Effingham.—Ile Jesus, Blainville, Terrebonne.—Jacob Jordan, Charles-Baptiste Bourc.

Leinsten.—From Terrebonne to St. Sulpice.—Joseph Viger, Bonaventure Panet.

Warwick.—Lavaltrie, Lanoraie, Berthier, St. Cuthbert.—James Cuthbert, C. Gaspard de Lanaudière.

St. Maurice.—From limits east of Berthier to the limit of Batiscan.—Thomas Coffin, Nicolas Montour.

Trois-Rivières town.—John Lees, P. A. de Bonne.

Hampshire.—From Batiscan to Cape Rouge.—Joseph Planté, François Huot.

Quebec county.—John Black, Louis Paquet.

Northumberland.—From Côte de Beaupré to the lower St. Lawrence.—J. Fisher, Pierre Bédard.

Orleans Island.—Jérôme Martineau.

Quebec, upper town.—William Grant, Jean-Antoine Panet.

Quebec, lower town.—J. Young, J. A. Raby.

The address of the assembly, in answer to the speech from the throne, January, 1797, runs as follows: "With the utmost confidence, we trust in the vigilance of our mother country and in the superiority of her navy, for our external defence; and as it is our inclination, as well as our duty, to co-operate with Your Excellency in whatever may be necessary to frustrate the treacherous attempts of the emissaries of France, to disturb our tranquillity, we will immediately proceed to the consideration of the alien bill," which they accordingly took up without delay and gave to the executive

powers as ample as could be desired. Christie is of opinion that the disturbance referred to has "been much overrated, probably by the ultra loyal of that day, who may have found their account in speculating on reports of this nature."

David McLane, an American citizen, a bankrupt trader, had conceived the plan of a total extirpation of the British power from the continent of America. He was to put himself at the head of a party from the neighbouring states and take Quebec by surprise. He represented himself as a general in the French service and acting under the immediate direction of the French minister in the United States. During one of his visits to Quebec, he was arrested, tried, and on the 21st July executed. This was the first trial for high treason since the conquest. On the subject of crimes in the province the testimony of Adam Lymburner is worth reading: "Cases," he said, "which have been brought before the criminal courts have been generally committed in the towns and their vicinity, where the concourse of strangers encourages vices and immorality, and where idleness, drunkenness and dissipation lead to quarrels, thefts, and sometimes, but very seldom, to higher crimes." Christie remarks that McLane had but one follower among the Canadians and he was an illiterate man of no importance.

The three months' session of 1797 was occupied by several questions of importance, such as the commercial treaty concluded between Great Britain and the United States; police arrangement to look after suspected persons; the abuses and fraudulent practices during last elections; proportion of custom revenues belonging to Upper Canada; navigation in lower St. Lawrence; and the scandal arising from the management of public lands. This last matter created a wide-spread sensation.

General Robert Prescott appointed governor-general on the 28th April, 1797, was always on good terms with the assembly, but not so with the council, because of the disposal of Crown lands, in which matter those gentlemen were sometimes personally interested, as in the days of Haldimand and Lord Dorchester. He left the province with the esteem of the whole population, on the 31st July, 1799, and was replaced by Robert Shore Milnes, who received the title of Baronet soon after.

“So far, the constitution had worked to admiration, and promised success. The government and Parliament were in perfect harmony; commerce began to thrive; the vast resources of trade to unfold themselves. The province evidently was prospering, and all classes of the people contented and happy, friendly and well-disposed in all respects towards each other. There were no religious feuds or disputes of any kind. National-origin prejudices were scarcely felt or known, never publicly appealed to, and by an universal tacit consent avoided and discountenanced. The habitual politeness, the loyalty, the chivalrous feeling characteristic of the gentlemen of the old French school were still in the ascendant, and harmonized admirably with the gentlemanly bearing, upright character and general information which, in all countries, distinguish the British merchant, and for which those in Canada of that, not less than of this day (1847) were eminent. The earth yielding in abundance fruits food for man and beast, and with but little labour; taxes, none, except upon litigation, and upon luxuries, which were not felt by the cultivator—and truly may it be said that the last sun of the eighteenth century, that set upon Canada, left its people the happiest upon this earth of all the sons of man it that day had shone upon.”*

Forty years of British occupation terminate here, with the 18th century, under most favourable auspices. Harmony reigned everywhere; trade was active, agriculture prosperous, industries had taken a firm base, most of the troublesome questions of old were settled, and only three or four new ones had sprung up during the debates in the house of assembly, from 1793 to 1799, *i.e.*, the management of finance, the exercise of public patronage, the granting of Crown lands, and the selection of ministers from the members of the assembly. These questions contained the germs of all the political work of the 19th century.

*Christie: *History of Lower Canada*, I. 196.

CHAPTER XIX.

Literature in Canada before 1810.

The literature of all nations begins with poetry, or, at least, with versification, and is generally first introduced in the form of song. Such was the case amongst the Canadians. Their settlement on this side of the ocean is altogether confined to the period of 1633-1700, when books were scarce throughout Europe, especially in country places, and it is well known that Canada received only a few families from towns and cities at that time. Curiously enough, though, most of the women who came during those seventy years could read and write, and before thirty of them were here, they had a school open for girls. The men, as a rule, were indifferent in that connection.

The literary knowledge imported by this little group of toilers of the soil was composed of the popular current songs of the northern and western parts of France. They all loved to sing and play some kind of musical instrument. The fur trade started about the same date as colonization, and the *habitant*, or actual settler, soon got interested in the new life. The songs of old France were carried to the Great Lakes; they passed afterwards to the Mississippi and the North-West plains, and are still to be found wherever the French Canadians have penetrated through this continent—and where is the place where they are not at home in the whole of North America? The number of these poetical compositions is immense. One might think that if he knew all that came to his hand in the form of pamphlets, or flying sheets, he had nothing more to learn in that direction, but every week further search would bring to his knowledge a fresh supplement of a seemingly inexhaustible stock.

A people given to such culture may be expected to produce many works of merit, and to stamp them with its own peculiar mark, as, for instance, the characteristic traits belonging to a colony. We could here



Faithfully Yours
Dr H D Drummond

mention what several high critics in modern France have said about the literary capacities of the French-Canadians, but these compliments only apply to the present writers, and the critics referred to have never read any Canadian productions previous to 1830.

We wish to draw attention first to the older period, that of 1764-1810, in the very infancy of the small literary world of Quebec. The germs that existed in the domain of the song-makers of the 17th and 18th centuries have developed into flourishing trees (with some shrubs of lesser degree) and marked the literary field from the time of the British conquest.

Even before the conquest the ground was prepared for studies and literary displays. Beauharnois, Hocquart, La Galissonnière, from 1725 to 1750, kept the elite of the colony well posted upon certain contemporary works and a small number of individuals had a library each composed of books suitable to their taste and surroundings. Poems were written and circulated in manuscript for want of a printing office, and most of them were, no doubt, lost for the same reason. We may mention the compositions of Abbé Etienne Marchand and of Jean Taché (1736) as the master-pieces of that period.

The first printing establishment in the Province of Quebec was that of the *Gazette de Quebec*, English and French, 1764, but neither the French nor the English population made use of it, at first, for literary purposes. The early publications of that paper bore strictly on topics of immediate interest, such as the "Cases of Canadians at Montreal, distressed by fire on the 18th of May, 1765"; *Cote chisme du diocèse de Sens*; prayer-books and alphabets printed for Father Labrosse, 1766-67; trial of Daniel Disney, 1767; a compendium of laws concerning the religious communities, 1768; observations of J. F. Cugnet on the proposed plan of F. Masères for a new constitution, 1771; *Lettres sur la ville de Québec*, 1774; and many others, but not in the line of literature properly speaking.

Frances Brook, the wife of a chaplain of the troops, resided for some years in Canada, and, in 1769, published (London) a novel in 4 vols. 12 mo., entitled *The History of Emily Montague*, in which there is a "racy description of Canadian scenery, a most romantic account of colonial court-

ship, flirtations, etc. The reader is initiated into Quebec society as it existed in the good olden time." (*Brit. Can. Rev.*, Quebec.) The work is composed of letters and cannot properly be called a novel. It is all through an evident effort to describe Canada and Canadian life. We must add that it was well received by the public.

Francis Masères, in his several volumes, printed in London, 1772, 1773, 1775, 1776, 1777, brought to light an abundance of information concerning the laws, customs, etc., of the colony, and if his personal opinions or prejudices are set aside, he accomplished a useful work. Born in London, he was the descendant of a Huguenot who had left France in 1686, or thereabout, on account of the religious persecution. From 1766 to 1769 he was attorney-general of the Province of Quebec, and on his return to England acted as agent for the Protestant settlers in the colony. He was *Cursitor Baron* of the Exchequer in England from 1773 till his death in 1824, at the age of 93 years.

In Montreal, Fleury Mesplet had started a printing office in 1776, but confined himself at first to the publication of religious books—one of them a compilation of sacred songs being rather curious—he did not attempt the newspaper form of publication until 1778, when he founded the *Gazette*, half English, half French—still in existence in English. Quebec had a *Cercle Littéraire*, so called, but it must have been a reading room. Anyway, it was a beginning. Mesplet admitted political communication into his *Gazette commerciale et littéraire* which title was soon changed into that of *Gazette littéraire*, and was really such, notwithstanding the bickerings and scoldings indulged in now and again by Valentin Jautard, a Parisian, imported by the American party of Montreal. This man failed to succeed politically, but contributed to the development of literature by his writings, these productions he inserted in the *Gazette*, whilst Mesplet printed books, pamphlets, etc., and had besides a book store open to the public.* An article published in June, 1779, under the title of *Tant pis, tant mieux*, brought Mesplet and Jautard into difficulty with Haldimand, who put them in gaol and kept them there for a couple of years. The almanac issued by Mesplet in 1783 is styled by him *curieux et intéressant*. He also re-

*See Royal Society of Canada, 1906, II. 224.

printed comedies, religious tracts, a description of a certain disease prevailing at Baie St. Paul, sometime a tragedy, a philosophical work, a commentary on the militia system, at least forty publications still to be found with collectors of books, and in all, according to the lists we have of them, seventy-seven different volumes.

We must not forget *Appel à la Justice* by Pierre Ducalvet, which is a criticism of the administration of the colony, rather personal, not always clear enough, somewhat prolix also, but an invaluable record of certain facts connected with the state of Canada during the American revolution.

A public library was opened at Quebec in 1785—a serious undertaking as we may imagine—and was maintained for a long series of years. In 1788 James Tanswell started *Le Courrier de Quebec*, but only issued two numbers of that publication. Mesplet, in Montreal, was more successful, and his *Gazette* was then in its tenth year of existence.

Dramatic associations existed also in Quebec and Montreal. They played Molière and some light comedies of the time of Louis XV. The man who seems to have principally inspired these efforts was Joseph Quesnel, a poet, a musician and a person of good society. His comedy *Colas et Colinette*, became the great attraction of the day in Montreal (1790), whilst the people of Quebec boasted of a troop of amateurs who could not be surpassed in any colony, as they believed. His Royal Highness, the Duke of Kent, accompanied by Lieut.-Governors Clark and Simcoe, attended the performance of *La Comtesse d'Escarbagna* and *Le Médecin malgré lui*, in Quebec, on the 18th February, 1792. The prince felt quite at home amongst the lively Quebecers. At the banquet given in his honour, 29th December, 1791, he heard several songs composed for the occasion and which MM. Baby and Amiot rendered in the most happy manner.

The following list is very meagre compared with what could be shown if we were to exhaust the subject, but it gives an idea of the variety of volumes and pamphlets printed in Canada during the first half century of the British government:—

1767. The trial of Daniel Disney charged . . . for cutting off the right ear of Thomas Walker on the night of December 6th, 1764.

1772. Things necessary to be settled in the Province of Quebec.

1783. Capitulations and extracts of treaties relating to Canada, with His Majesty's proclamation of 1763.

1784. Paper read at the bar of the House of Commons by Mr. Lymburner, agent for the subscribers to the petition from the Province of Quebec.

1786. Sermon preached by the Reverend John Doty at the opening of Christ's Church at Sorel, on the 25th day of December, 1785.

1790. Defence on behalf of Messrs. John Walter, George Irwin, and John Jones, on a prosecution for a libel, at the instance of Henry Caldwell.

Letter of the Bishop of Capsa, co-adjutor of Quebec, on education.

Papers and letters on agriculture. Recommended to the attention of the Canadian farmers by the Agricultural Society in Canada.

Report of a committee of the council on the subject of promoting the means of education.

1791. Ancient French Archives . . . under the government of France.

Oration delivered by the Reverend Alexander Spark at the dedication of the Free Masons' Hall, Quebec.

1792. Extracts of examples of the proceedings of the House of Commons—English and French text.

1793. Laws of Lower Canada under the constitution of 1791.

Rules and regulations of the House of Assembly, Lower Canada.

1795. Abstract from an Act of the Provincial Parliament relative to highways and bridges.

1796. Order of the governor-in-council for the regulation of commerce between this province and the United States.

Treaty of amity, commerce and navigation between His Britannic Majesty and the United States, signed 19th November, 1794.

1797. Trial of David McLane for high treason. . . . Taken in shorthand at the trial.

1798. Minute of council relative to the waste lands of the Crown.

1799. The union of taste and science—a poem, by Stephen Dickson.

His Majesty's squadron, under the command of Rear-Admiral Sir H.

Nelson, K.B., from its sailing from Gibraltar, to the conclusion of the glorious victory of the Nile.

Sermon preached at Quebec by Jacob, Lord Bishop of Quebec, on the day appointed for a general thanksgiving, January 10th, 1799. This has reference to the battle of the Nile.

Discours à l'occasion . . . de la même bataille, prononcé le 10 janvier, 1799, par messire J. O. Plessis, curé de Québec.

1800. Collection of the Acts passed in the Parliament of Great Britain, and other public Acts relative to Canada.

1804. Sermon preached by the Reverend Alexander Sparks in the Scotch Presbyterian Church at Quebec on 1st February, 1804, the day appointed by proclamation for a general fast.

1806. Canada, a descriptive poem, with satires, imitations and sonnets, written at Quebec, 1805.

Remarks on the culture and preparation of hemp in Canada, by Charles Taylor, M.D., secretary to the Society for Encouragement of Arts, etc., in London.

1808. Bill introduced in the House of Assembly to incorporate a bank in Lower Canada.

1810. Some considerations on the question: Whether the British government acted wisely in granting to Canada her present constitution. By John Fleming.

From 1764 to 1795 no less than thirty works of public importance were printed in the Province of Quebec, and about ten others in London, written by Canadians, some by English-speaking authors. These figures may be considered inconsiderable; we wonder if it is any better in our own days, considering the increase of population. The sciences proper were much neglected, and continued to be so for fifty years afterwards.

Contrary to what is generally believed, books were not unknown to the Canadians during the second half of the 18th century. It is stated on fair authority that there were at least 60,000 volumes in the private libraries about the year 1765, all French, of course, and many others were received after that date; so that it may be said that there was one volume for every soul of the population, an average superior to what we have now.

Any one conversant with the habits of the best families of the period in question understand readily that these people were educated, not only in manners and outward politeness and appearance, but equally by reading and *causerie de salon* which is so thoroughly French—a great school for learning what you cannot gather from books. The literature of the reign of Louis XIV. and XV. (1660-1760), composed the main elements of a Canadian library at the end of the 18th century. Its influence is visible on every page written in those days, either for the public press or in private letters. We know nearly all the books then to be found in Canada, because a great many of them have been preserved by the descendants of the owners and handed down to our time.

Learning being thus concentrated in the higher classes, these acted as leaders for the bulk of the population and the authorities looked for opinion in all matters concerning the public good. It is hard to imagine what would have been the history of Canada without those aristocratic circles, for the peasants left to themselves, would, in their ignorance, have listened to American and French emissaries, the same as the poor Acadians had done from 1713 to 1754, being deprived of the advantage of a higher class of men belonging to their own stock. No wonder, therefore, that Murray, Cramahé, Carleton, Haldimand, Hamilton, Hope, Clark and Prescott paid so great attention to the sentiments of the gentry, and that their actions were guided by them in their efforts to ensure security.

William Smith, who lived at Quebec in 1785, says that a public library was established there in that year, and that the books came from London. La Rochefoucauld (1795) observes that the only library of that kind in Lower Canada was at Quebec: "It is a small gathering of books nearly all French, sustained by subscription. We are rather puzzled at the choice of some of them, knowing as we do, the political dispositions of the directors of that institution, for it contains the printed papers of the National Assembly of France." As late as 1824, Vassal de Monviel speaks of interesting studies made by him in the Quebec library, which is supposed to be either that of 1785 or the one belonging to the legislature.

At the outbreak of the revolution (1789) a movement was noticeable amongst the politicians in France to favour "the English system of govern-

ment''; in other words, the constitutional administration, but this could not be made clear to the masses, unless some written explanation were furnished. A Swiss lawyer by the name of Jean-Louis Delolme seems to have sounded the correct note by anticipation, as his book, *Constitution de l'Angleterre*, had been printed at Amsterdam in 1771 and become classical at its first edition. No sooner had a copy been received in Canada than the members of the legislative assembly (1792) turned their attention to that Alcoran, but as the session was drawing to an end, it was thought better to arrange for a series of meetings in Quebec, Three Rivers, Sorel, Chambly and Montreal where the members and their friends could be assembled by small detachments and initiated into the contents of the book of revelations, so to speak. This was done, and with good effect, inasmuch as it allowed some practical information to make its way into the heads of those who had never had any opportunity to study the mechanism of the British institutions.

There was a spirit of literature in the air. Canadian pamphlets could be seen in the hands of many who had never experienced that sort of pleasure before. *Papiers sur l'Angleterre* referred to the administration of the United Kingdom, and such reading was à propos of the new constitution (1791). A long letter from Bishop Bailly upon the necessity of a university gave rise to discussion and examination. *L'Ancienne et la Nouvelle Constitution du Canada* was another commentary of political importance, and indicating also that the Canadians were able to express their ideas before the world. *La Nouvelle Constitution de France* followed, and the whole province roused to listen to this expression of opinions. It contrasted strongly with the ancient fashion of looking upon propositions of that class with an evil eye, for the mind of the people had now taken a turn in the way, not only of discussions, but also of eagerness to appreciate the subjects and distinguish between theories, with a view to adopt anything that promised to better their political situation. It was a visible progress along the whole line. To crown the state of affairs came *Le Magasin de Québec*, a repertoire of literature and science. The *Quebec Gazette* also modified its old dull system and opened the door to several communications

concerning the questions of the day. This coincided with the creation of the *Upper Canada Gazette* published at Newark in 1790.

The spirit of the times would not find fault with an English-speaking man for saying harsh words against the government, but would consider as a crime the least complaint from a Canadian. The *Quebec Gazette*, for instance, clipped several articles from a Paris paper and inserted them, with all the "high tone" principles embodied therein, at an hour when the convention reigned supreme over France and committed the horrors we know of. Mesplet, with all his audacity, would not dare, and would not probably have been allowed, to carry the same articles in his pocket, and far less to publish them. Such was the spirit of the times. A member of the assembly summed up the situation in this way: "A Canadian must have the right on his side twice, and must show the evidence of it four times before getting a hearing from some quarters."

The Duke of La Rochefoucauld, who visited Upper Canada in 1795, says that the people there were not so eager for news as the inhabitants of the United States. "The only paper in the province is printed at Newark (by a Canadian), and the government covers three-quarters of its expenses for want of subscription from the public. It is a weekly sheet containing very short extracts from the New York and Albany publications, and all the views of Governor Simcoe. In brief, its usefulness is that of an official gazette." He adds that this paper had no subscriber in Kingston, but that the *Quebec Gazette* had two there!

The agitation which followed the discovery of the Genest scheme to drag the United States into a war with Great Britain was marked by various publications, but two only are known now: "Extracts from minutes of council containing His Majesty's late regulations, etc.," Quebec, 1798; and: "Avis au Canada à l'occasion de la crise importante actuelle," Quebec, 1798.

François-Joseph Cuget, the best French legist in the colony, published five or six treatises (1760-1789) concerning law matters. He had been councillor to the Superior Council under the French government, an office which he retained up to the capitulation of Montreal. As a legal authority he was unquestioned. As a Canadian born (1720) he was for "Canada

First." Governor Murray appointed him (1760) "lieutenant-général civil et criminel de la cour de Québec et pays conquis," consequently this must have taken place in January of that year, when Jacques Allier was appointed judge for the parishes of the south shore of the St. Lawrence below Point Levis. The introduction of English laws by the proclamation of 1763 removed him from the bench. He was made grand-voyer of the province, then called to the council where he rendered useful services. Cugnet is one of the principal Canadians who understood that the British regime was better than the French government, and his example had great weight.

William Vondenvelden, a French engineer, and Louis Charland, a Canadian, issued in concert a compilation, being a sequel to Cugnet.

The Reverend Dr. Jacob Mountain, first Anglican Bishop of Quebec—appointed 1793—wrote some remarkable letters (1798-1801) in which he proposed a plan of public education for all classes.

Justin McCarthy, an Irish lawyer who wrote in French, prepared an excellent dictionary of the old civil code of Canada (1809).

Jean-Antoine Bouthillier published an arithmetic for the schools.

The *Travels* of Isaac Weld through the provinces of Canada, published in London (2 vols., 1799) did more to "advertise" those colonies than any debate in the House of Commons on the same subject.

Joseph-François Perrault, a fine type of public-spirited Canadian of these years of transition, was the champion of elementary schools. "In contemplating the educational agitation in which Mr. Perrault was a valiant pioneer, we cannot trace a very deep line of division between the French and the English section of the population. The best men on both sides were earnest in desiring a sound system of public instruction, however they might differ as to methods. The Hon. James McGill may be mentioned as a parallel type in the English community."* Perrault published, in 1803, a treatise on Parliamentary practice, and a dictionary of the same nature; in 1813, a hand-book for bailiffs; in 1822, a course of elementary education; in 1824, extracts from the judgments of the prevotal court from 1727 to 1759; in 1830 a work on large and small agricultural pursuits; in 1831, a plan of general education; then closed his career by a history of Canada from the discovery.

*John Reade: *Canada—an Encyclopedia*, Toronto, V. 149.

The History of Canada, published in London, 1804, from the pen of George Heriot, deputy postmaster-general of British North America, though mainly a condensed version of Charlevoix, contains, in the second part, a detail of the lakes, rivers and cataracts, villages, farm houses and townships of the province which made it an attractive store of information to the inquiring student.

The men who first studied the history of this country, commented on the laws and Parliamentary practices, composed books for the schools, cultivated poetry and the current art of writing for the public press, deserve more gratitude from us than those who came after them and accomplished marvels, no doubt, but found the way open and new means of development already prepared.

As a rule, the *Quebec Gazette* refrained from attacking the Canadians and this was considered a lack of patriotic energy on the part of that paper by those who wished to keep up a lively skirmishing against the old population. The *Mercury* came to light in January, 1805, ready to open fire along the whole line of nationality. It soon found an occasion to satisfy its fancy. Pierre Bédard, the leader of the Canadians in the Assembly, laid a motion before the Speaker to enquire as to the author, printer, etc., of the *Montreal Gazette*, who had published a "false, scandalous and malicious libel, highly and unjustly reflecting upon His Majesty's representatives in this province." The *Gazette* had criticised bitterly the vote of certain members upon taxation. The editor and the printer were accordingly ordered to be taken into the custody of the sergeant-at-arms, but not being found by those who went to Montreal in quest of them, the matter was dropped. The *Mercury* then came to the front trying to discredit the party forming the majority of the legislative assembly, but on the sergeant-at-arms being sent to the editor, that gentleman apologized and was released. Later on, the house objected to another article from the same source, and Mr. Thomas Cary could not be found, because he had concealed himself in a secret room in his own residence, from whence he continued the fight in each number of the *Mercury*. M. Bédard finally saw that his action was a violation of the liberty of the press, and abandoned his proceedings.

A new political organ, *Le Canadien*, was launched at Quebec, in Novem-

ber, 1806, with a full programme of constitutional government. This paper contained a series of historical documents referring to Canada, which opened a new phase in the journalism of the province, and also numerous original literary productions. The *Mercury* attacked this neighbour, and they had a long spell of cross-firing on the administration of public affairs. In literature, *Le Canadien* did very well, besides serving his adversary with hot shots to good effect. It is clear that its contributors were men of knowledge and gifted with talent. From that moment the French writers of Canada have always formed an active and capable group, and their development has been a prominent fact until the present day. Two or three of the inspirers of *Le Canadien* were rather witty, "light-headed men," said the *Mercury*:

"With goose-quill armed, instead of spear."

Epigrams of all sorts flashed on both sides for many months. This was a literary exercise that must have been afforded the young writers of the period a chance to test their natural resources. In matters of history nothing is small, and the least circumstances are often productive of surprising results. Songs were put in circulation, some of them reflecting on the attitude of the Americans in regard to Canada, for there was a belief all round that the diplomatic difficulty then existing could not be settled except by war. We may here mention a book published at Quebec early in 1812, entitled: "Resources of the Canadas, or sketches of the physical and moral means which Great Britain and her colonial authorities will successfully employ in securing these valuable provinces from open invasion and invidious aggression on the part of the government of the United States of America," by a Querist.

There was also a Canadian party, called by their opponents "the office seekers," or bureaucrats, which aimed to participate in the government patronage. They started a paper, *Le Courrier de Québec*, in January, 1807, with Dr. Jacques Labrie as chief editor. Labrie had been educated in Canada; afterwards he had studied medicine in Edinburgh, and he was greatly interested in matters concerning the history of Canada. His paper opposed *Le Canadien* firmly in politics, and also published several documents relating to the previous thirty years, in connection with this country.

Labrie made his mark in the circle of those who were given to literary and historical pursuits.

From the conflict of interest between the *Mercury*, *Canadien*, and *Courrier*, sprang the practice of advertising the merchants' goods, which the *Quebec Gazette* had always neglected. This is another form of literature not likely to perish for want of substance, although it was quite unknown to our forefathers.

When *Le Courrier* died (June, 1807), *Le Canadien* expressed much regret at its departure, stating, in a sarcastic manner, that the best enemy it could have had was a badly written paper. The *Mercury* was delighted; it said the defunct looked like a parent of *Le Canadien*. In all this squabble many young men handled the pen for the first time and acquired a practical understanding of the art of putting their thoughts in black and white. This was really the incipient school of this kind in Canada.

Some debating clubs existed in the meantime, where such personalities as Louis-Joseph Papineau, Debartezh, Bourdages and others gained juvenile fame before coming out openly as public men. Dr. Labrie gave an impetus to the study of the history of Canada. So did George Heriot, in his work published during these years. The Montreal press helped a great deal in that direction by the writing of Viger, Bibaud, Mermet, St. George, etc. The literature of Canada was born by this time. John Lambert, who visited the country in 1806-1808, does not say much about this point, for he only saw the primitive situation of things and could not be expected to foresee the future. Here are his observations: "The state of literature and the arts did not improve very rapidly after the conquest. The traders and settlers who took up their abode amongst the French were ill-qualified to diffuse a taste for the arts and sciences, unless, indeed, it was the science of barter and the art of gaining cent per cent. upon their goods. For many years, no other work was printed in the colony than an almanac. . . . Of late years, the Canadians have appeared desirous of establishing some claim to a literary character. . . . The publishing of six newspapers weekly is a proof of the progressive improvement and prosperity of the country, though it may be but a fallacious system of literary improvement. Four of the newspapers are published in Quebec and two in Montreal. These, with

an almanac and the Acts of the Provincial Parliament, are all the works that are published in Lower Canada."

It is obvious that Lambert was unaware of other publications, such as school books, song books, treatises upon the land question, commentaries on laws, discussions of political and historical matters, and amateur theatricals, which, in a colony, are always a form of intellectual development worth mentioning.

The newspapers mentioned by Lambert were, in Montreal: the *Canadien Courant*, "by Nahum Mower, an American from the States"; the *Gazette*; in Quebec: the *Gazette*, *Mercury*, *Canadien*, *Courrier*. Of the latter he says: "This little paper is conducted by two or three young French Canadians for the purpose of inserting their fugitive pieces. These gentlemen have recently established a literary society, which, though it may not contain the talents of a national institute or a royal society is, notwithstanding, deserving of all the encouragement that can be given to it by the Canadian government. The first dawn of genius in such a country should be hailed with pleasure."

Lambert knows of but one public library in Canada, which is kept in one of the apartments of the Bishop's palace at Quebec. After some remarks on the general taste for novel reading among Canadian ladies he goes on to say that happily their temptations are few, as few new publications, good or bad, appear in Canada, and the book stores contain chiefly school books and some old histories.

"Mr. Lambert is not always correct, and what he says of libraries is not true of either Quebec or Montreal. In the latter a library was founded in 1796, which after passing through the hands of the Mercantile Library Association forms at present (1899) part of the collection in the Fraser Institute."*

The Montreal *Herald* was founded in 1808 by Mr. Mungo Kay, a merchant in that city, and it soon became "one of the most entertaining journal of the two provinces," said the *Montreal Gazette*, in 1818.

There was a meeting of the *Société Littéraire de Québec*, on the 3rd June, 1809, "to examine poems, both French and English, written in honour of King George III.'s Jubilee, in order to adjudge the prizes offered

*John Reade: *Canada: a Cyclopedia*, V. 150.

by the Society. In presence of an audience composed of the intellectual élite of Quebec, M. Romain, the president, announced that, having examined the pieces submitted to it with the most scrupulous attention, the Literary Society consider that Mr. John Fleming, of Montreal, had written the best English poem, and the person who signed himself 'Canadensis' the best French poem. Now a prize poem of the year of grace 1809 ought to supply the key to the position of literature in Lower Canada in the days of the Regency. Here, therefore, is a brief portion of Mr. Fleming's ode on "The Birthday of His Majesty King George III." :—

Hail, joyful morn, ordained for social mirth,
Auspicious morn that gave our sovereign birth!
The muse of Canada thee humbly hails,
Thy praise resounds through her sweet smiling vales.

As heavenly Phœbus cherishes the soil
With ripening fruits rewarding mortals' toil,
So George's fostering and paternal hand
Dispenses blessings o'er our happy land.

Such was the advance attained by English literature in the Province of Quebec in the fiftieth year after the death of Wolfe. Not very much, it may be said, but still a beginning. Mr. Fleming, who was from Aberdeen, was at this time in his 25th year. He was a man of considerable taste and literary aspiration and, though an active man of business, amassed a library of 11,000 volumes, which it was his avowed intention to bequeath to McGill College. The cholera carried him off in 1832 before he had put his intention in writing, and in 1843 his fine collection was sold by auction. Mr. Fleming was the author of a work entitled *The Political Annals of Lower Canada*,** published first in the *Canadian Review* of Montreal, then in book form, 1828, "A work full of information as it is of prejudice against the French Canadians," said Pierre de Salles Laterrière, who published also *A Political Account of Lower Canada* (London), 1830.

*John Reade: *Canada—an Encyclopedia*, Toronto, V. 149.

CHAPTER XX.

Civil and military command—The council—Finance—Navigation—Cultivation of hemp—Lumber trade—Milnes on the sentiment of the Canadians, 1800—Sessions of 1800-1805—Public schools—French emissaries, 1797-1806—Departure of Sir Robert Milnes, 1805.

Governor Prescott, going to England on leave, was succeeded in his civil office by Robert Shore Milnes, and in his military capacity by Major-General Peter Hunter, who arrived at that time and went to reside at York (Toronto). When he died (1805) the military command was taken temporarily by Lieut.-Colonel Bowes and afterwards by Lieut.-Colonel Isaac Brock (September, 1806), between both of whom and Mr. Dunn there arose the same dissension as with General Hunter, respecting the expenditure of military funds for civil purposes. This duality of powers ceased at the appointment of Sir James Henry Craig, in August, 1807. Until then, General Prescott had remained governor-in-chief, although absent from Canada since July, 1799.*

“The division of power between the civil and military authorities was regarded as of great disadvantage, and attention was called frequently by residents and others to the benefit that would arise to the administration of affairs were the old policy reverted to of placing the military and civil government in the hands of a commander-in-chief.”†

Chief Justice Osgoode was vexed at the refusal of Sir Robert Milnes to dismiss Judge de Bonne from his seat on the bench and disappointed at not being allowed to act as sole advisor and proposer of all government measures. Milnes charged him with insolent conduct, as having laid aside all decorum, and of having made use of disrespectful language towards the lieutenant-governor at a large private party, etc. The mis-

*Dr. Douglas Brymner: *Canadian Archives*, 1892, p. VI., VII.

†Dr Douglas Brymner: *Canadian Archives*, 1892, p. VI.

understanding between the two high officials continued till the retirement of Osgoode in 1802.”*

The finances of the province were under the control of the Governor-General and his advisors. A large proportion of the money was spent on sinecures which the assembly would have wished to see abolished. When Sir Robert Milnes said that as long as there was a deficit in the annual accounts, the assembly will not care to assume the direction of the finances, he showed that he did not understand the character of the representations made on that subject. The deficit could be avoided simply by reducing the expenditure to the needful requirements. As early as 1793 the assembly had said to Lord Dorchester: “By receiving from Your Excellency an account of the receipts of the provincial revenue, we shall be enabled to deliberate on the means by which they may be rendered more productive; and penetrated with gratitude to the parent state for having hitherto defrayed the surplus expenditure of the province, we flatter ourselves that, in consideration of our situation, we shall continue to experience her generous assistance.” In many instances the revenue was reduced to the minimum of the low rate of rent, etc., charged on government properties. The St. Maurice forges, for instance, were leased at £20 per annum, whilst £500 would not have been too much.

“The people thought that the Act of 1791 placed the government of the country in their hands. Not so. Both Upper and Lower Canada soon found that the Governor-General and his ministers did not feel themselves bound to regard the views of the people’s representatives or to dispense the patronage of the government with their consent or advice.”†

In the year 1800 died Father Jean-Joseph Cazot, the last of the Jesuit order in Canada. A few weeks later died Father Félix Berey, a Canadian, superior of the Recollets, who left three of his colleagues: Louis Demers, Théophile Dugast, Canadians, and a lay brother by the name of Marc. Of the Recollect Order nothing was said at that time because they possessed very few properties, which went to the Crown as a matter of course, it seems; but the Jesuit estate was taken possession of as naturally reverting

*Dr. Douglas Brymner: *Canadian Archives*, 1892, p. VI.

†Honourable G. W. Ross: *The Plains of Abraham*, p. 9.

also to His Majesty. The assembly, then in session, presented an address asking to investigate the claim which the province may have on the lands, etc., of the extinct order. No action was taken on the subject.

The short session (5th March to 29th May) of 1800 was occupied by various debates relative to war with France; electoral reform; administration of justice; public functionaries elected as members of the assembly; education, Jesuits' estates. The summer following, general elections took place for the third Parliament. Members elected:—

Gaspé.—William Vandevelden.

Corwallis.—Joseph Boucher, Alexandre Menut.

Devon.—Bernard Peltier, jr., F. Bernier.

Hertford.—Michel Tellier, Louis Blais.

Dorchester.—John Caldwell, Thomas Taschereau.

Buckinghamshire.—John Craigie, Louis Gouin.

William-Henry or Sorel.—Jonathan Sewell.

Bedford.—John Steele.

Richelieu.—Louis E. Hubert, B. Livernois.

Surry.—P. de Rocheblave, F. Lévesque.

Kent.—Ant. M. Lafontaine, François Viger.

Huntingdon.—J. F. Perrault, J. B. Raimond.

York.—Joseph Bédard, L. C. Foucher.

Montreal county.—Joseph Papineau, Thomas Walker.

Montreal East.—P. L. Panet, F. Badgley.

Montreal West.—James McGill, J. Périnault.

Effingham.—C. B. Boue, André Nadon.

Leinster.—Joseph Beaumont, J. Archambault.

Warwick.—James Cuthbert, Ross Cuthbert.

Saint-Maurice.—T. Coffin. Matthew Bell.

Three Rivers.—P. A. de Bonne, John Lees.

Hampshire.—Joseph Planté, François Huot.

Quebec county.—Louis Paquet, M. A. Berthelot.

Quebec upper town.—J. A. Panet, A. J. Raby.

Quebec lower town.—Robert Lester, J. Young.

Orleans Island.—Jérôme Martineau.

Northumberland.—J. M. Poulin, Pierre Bédard.

A son of Judge Panet of Quebec was pressed in London by a detachment of H.M.S. "Excellent," and served two years as a common seaman in the Mediterranean before Sir Robert Shore Milnes succeeded in obtaining his release. John Queen, apprentice to a hatter named John Digouard at Quebec, a boy of eighteen and who had never been at sea, was carried off by a gang of H.M.S. "Orpheus." Sir Robert applied for his liberation also, but we have nothing to show how the matter closed.

To a committee of council, composed of the Chief Justice, the Lord Bishop, M. M. Finlay, Young, Baby and Dunn, was referred the decision concerning applications for grants of lands. As a remuneration for the time occupied and the labour involved in that work, each of the six councillors were given a quarter of a township. A township of ten miles square was calculated, after excluding the Crown and Church reserves, to contain about 44,000 acres, worth, on the average, for those whose outline only had been run, fifteen pence currency an acre, the total value of which, deducting the cost of survey and subdivisions and the fees, was somewhat under £2,500. In a despatch of the 24th February, 1802, Sir Robert Milnes explained the method adopted by persons applying for such grants, to evade the regulations, by an underhand arrangement with the leader of an association of six applicants, by which he was able to become possessor of five-sixths of the township, or nearly 37,000 acres, instead of the 1,200 intended to be his share."*

Great importance was attached to the cultivation and preparation of flax and hemp to be used for cordage for the British navy. An Act was passed in 1802, and the subject, says Sir Robert Milnes, was taken up with considerable spirit in the districts of Quebec and Montreal, in which committees had been established, who issued circulars for the purpose of encouraging the industry. The Act provided for an appropriation of £1,200 currency to enable the inhabitants "to enter on the culture of hemp with facility and advantage." Premiums were also offered by societies. In 1804, Mr. Isaac Winslow Clarke, chairman of the Montreal committee, re-

*Dr. Douglas Brymner: *Canadian Archives*, 1892, p. XI.

ceived the gold medal from the Society of Arts, etc., for hemp grown in Lower Canada. This industry did not prosper, because Russia produced the same article, and it was found could sell it at a lower rate than the Canadians. Among the applicants for land to be set apart for him as a bounty for raising hemp was Philemon Wright, who asked for Kettle Island, opposite Templeton, a few miles below the present City of Ottawa. Mr. Wright had already a considerable establishment in the adjoining township of Hull. Seeing the failure of the flax and hemp enterprise he turned his attention to the lumber business and founded that branch of national industry on the Ottawa.*

Writing to the Duke of Portland, 1st November, 1800, Lieutenant-Governor Milnes describes the state of the popular influence in the province: "Several causes at present unite in daily lessening the power of the aristocratic body. . . . The first and most important of these causes, I am of opinion, arises from the manner in which the province was originally settled; that is from the independent tenure by which the habitants hold their lands; and, on the other hand, from the inconsiderable power retained by those called the seigneurs, and the little disposition they feel to increase their influence or improve their fortune by trade. Hence, by degrees, the Canadian gentry have nearly become extinct, and few of them, on their own territory, have the means of living in a more affluent and imposing style than the simple habitants, who feel themselves in every respect as independent as the seigneur himself, with whom they have no further connection than merely the obligation of having their corn ground at his mills, paying the toll of a fourteenth bushel, which they considered more as a burdensome tax than as a return to him for the land conceded by his family to their ancestors forever, upon no harder condition than the obligation above mentioned, a trifling rent, and that of paying a twelfth to the seigneur upon any transfer of the lands.

"The second cause which I apprehend tends to lessen the influence of government is the prevalence of the Roman Catholic religion and the independence of the priesthood . . . the whole patronage of the church has been thrown into the hands of the Roman Catholic Bishop, and all con-

*Dr. Douglas Brymner: *Canadian Archives*, 1892, p. XXIII.

nection between the government and the people through that channel is cut off. . . . A singular instance lately occurred of this independence. . . . In justice to the Canadian Bishop, I must add, that upon my representation, he did everything that was proper to be done on the occasion. . . . The present Catholic Bishop is extremely well disposed to the government. He is allowed by His Majesty £200 per annum as superintendent of the Catholic Church, in addition to which he receives from government a rent of £150 a year for the use of the Bishop's palace at Quebec, which is occupied by public offices. He has lately applied to us for an increase of his rent, signifying at the same time that his income is very inadequate to the calls which are made upon it, which I have reason to believe is a just sentiment. This application offers an occasion of attaching the Catholic Bishop more particularly to the government. . . . The priests have a twenty-sixth of all the grain, which may be valued at £25,000 or £26,000 a year, which alone must make their influence very considerable, and especially as the religious bodies are in possession of nearly one-fourth of all the seigniorial rights granted before the conquest, excepting the Jesuit estates. There are 123 parishes and 120 parish priests.

“Another consideration which has greatly tended to lessen the influence of government since the conquest, has arisen from the necessity which then existed of disembodying the militia. . . . The principal person in every parish is in general the priest, next the captain of militia, and it is through the latter that any business is transacted by government. . . . I am inclined to think that much may be done first through the priests, and secondly by means of the militia. . . . The population is computed at about 160,000 souls, nine-tenths of whom reside in the parishes before described, distinct from the towns, and from these are drawn the militia, which amount to 37,904 between the ages of 16 and 60. In the parishes there are 292 captains of militia, who are chosen from amongst the most respectable of the Canadian habitants (the Etat Major amounting to 16, being in general chosen from among the seigneurs). And here it is necessary to inform Your Grace how far under the dominion of France the body of the people were regulated in all public matters by the officers of militia, the captains of militia being the persons employed to issue and enforce the

public ordinances, and the curés, and through the authority thus delegated to them by government, possessed considerable influence in their respective parishes. Although under His Majesty's government these powers have in a great measure been withdrawn, especially since the new constitution, there still remains in the minds of the Canadians, a certain consequence attached to the character of captain of militia, and it is still customary on all public occasions to employ this useful class of people to perform many services for government, which they had hitherto done without other reward than merely that arising in their own minds from the honour and respectability of the appointment; but this though sufficient to render it desirable is, as they feel, by no means an equal return for the considerable portion of their time so employed. If then by means of an honorary and pecuniary reward, or by any plan that may be so approved of by the executive council, this class of Canadians could be brought to consider themselves as the immediate officers of the Crown, and peculiarly attached to the interest of government, there is no doubt that such an influence, from the circumstance of being diffused over the whole province would effectually tend to keep alive among the great body of the people that spirit of zeal and loyalty for monarchical government which I believe to be natural to the Canadians, but which for want of an immediate class to whom they can look up, and from their having no immediate connection with the executive power, is in danger of becoming extinct.

“In the time of French government an ordinance issued in the name of the King was sufficient to enforce the execution of any measure that was deemed expedient, without any discussion taking place upon the subject, or its entering into the mind of the unlettered habitant to doubt for a moment the propriety of the measure. But since the establishment of the present constitution (1792) the case is very different, everything being previously discussed in the House of Assembly, and unless a certain preponderance can be maintained in that house, which at present is by no means as firmly established as I could wish, the power of the executive government will insensibly become nothing. Very few of the seigneurs have sufficient interest to ensure their own election or the election of anyone to whom they give their support in the House of Assembly, and the uneducated habitant

has even a better chance of being nominated than the first officer under the Crown. There was a moment when I even despaired of getting the attorney-general into the present assembly, and though it is undoubtedly better composed than the last, it is far from being so respectable a body as government might wish.

“The ‘habitants’ are, I verily believe, an industrious, peaceable and well-disposed people, but they are, from their want of education and extreme simplicity, liable to be misled by designing and artful men; and were they once made sensible of their own independence, the worst consequence might ensue. They are in fact the sole proprietors of nearly all the cultivated lands. . . . Each habitant cultivates as much land as he can manage, with the assistance of his own family, and as is necessary for its support. And having thus within themselves from year to year all the necessaries of life, there cannot be a more independent race of people, nor do I believe there is in any part of the world a country in which equality of situation is so nearly established. Except in the towns of Quebec, Montreal and Three Rivers, little or no difference is observable in the affluence of the Canadians, but what may in some measure arise from the local circumstances of more or less favourable situation, a richer soil, or a greater or less degree of exertion. . . . That loyalty is a lively principle in the hearts of the Canadians I have no doubt, if I may judge from the expressions of satisfaction which are shown by all ranks, whenever the representative of His Majesty only passes through the country. This I myself experienced (though at that time generally unknown) in the tour I lately made through the province.

“Could such an influence be obtained throughout the province by means of the priests and the captains of militia, that influence when fully established, might be employed so as at all time to ensure a majority in favour of the government in the House of Assembly, and to secure the election in that house of such men as from their education and knowledge of business are most likely to see the real interests of the province in their true light, and not to be deluded by the fallacious arguments of any popular speaker from giving their entire support to the executive government. The defect of such an influence over the elections lessens the respectability of that

assembly in a very great degree, and particularly as from the absolute want which has so long existed of the means of education and the inability of the Canadians to support the expense that would attend sending their sons to the mother country for that purpose, there are at present scarcely any rising men, and but few men of talent among the Canadian gentry.

“While a due preponderance on the side of government is so manifestly wanting in the assembly, it is considered by the well-wishers of government as a fortunate circumstance that the revenue is not equal to the expenditure,* and Your Grace will immediately see the necessity on this account of preserving, in appearance at least, that disposition in a greater or less degree, as there is no reason to apprehend that in case the province could be induced to tax itself in a degree equal to the calls of the executive government, the right of regulation and control over the whole would probably be aspired to by the assembly, which could not fail of producing the most injurious consequences to the colonial government, rendering it from that moment dependent on the will of a popular assembly.

“The burthen which is at present thrown upon the mother country will be fully compensated for, whenever the sums that shall arise from the sale of waste lands begin to come in, and particularly if it should be determined to appropriate the moneys arising from these sales to the purchase of stock in the English funds and the interest of this stock to go in aid of the civil expenditure of the province.

“The quantity of land which from first to last will have been at the disposal of government is computed at about 150 townships, equal to 10,000,000 of acres, which have actually been applied for, including as is supposed the principal part of the ungranted lands in Lower Canada that are deemed convenient and fit for cultivation. Of the above, about 35 townships only are in contemplation to be granted in the original terms proposed in the year 1792, consequently 115 will remain for the future disposition of the Crown, exclusive of the Church and Crown reserves, consisting of five-sevenths set apart in the townships already granted.”

Lieutenant-Governor Milnes would have been astonished if some one had dared to tell him that his ideas were fifty years behind the times in

*Years 1795-1800, annual deficit £12,000.

matters concerning monarchy and democracy. He based his conception of government upon the sole power of the King and his advisers, or rather servants. Milnes was so conceited and stupid that he could not recognize a House of Assembly as respectable or popular unless it was a slave of the executive and legislative councils. From this point of view, he was anxious to find a remedy which would bring the people to the good old practice of obeying orders issued by the executive and go blindfolded without asking questions. He did not know that, once a nation has stepped forward into the field of freedom, nothing but the sword will make them turn about and resume the old position. Hence he thought that by corrupting the clergy and captains of militia his object would be attained. It remains to be seen, and doubts are allowable on this point, whether the people would have followed these two classes of functionaries more willingly than they did the seigneurs at that same date. The clear fact is that, illiterate or not, the habitants had a pretty correct conception of their rights and duties as British subjects.

In a letter from the Anglican Bishop of Quebec, dated 17th October, 1799, His Lordship calls attention to the disadvantage under which the province has long laboured from the want of schools, not only grammar schools for young men intended for the learned professions, or who from their rank may hereafter fill situations of great political importance, but for a not less important branch of the community. "It is well known," he says, "that the lower orders of the people in this province are, for the most part, deplorably ignorant; that the very slender portion of instruction which their children obtain is almost entirely confined, amongst those who do not live in the towns, to the girls alone; and more especially it is notorious that they have hitherto made no progress towards the attainment of the language of the country under whose government they have the happiness to live." He proposes that a certain number of able English teachers should be paid by government and placed in each city, town and considerable village, with the obligation of teaching English gratis. This communication was referred to the executive council and on the 22nd was reported on by a committee, the report was approved of and ordered to be entered in the minutes. In forwarding the documents on this subject, Sir Robert S. Milnes sug-

gested that a grant of land should be made for the establishment of grammar schools and of a college at Quebec. This, he believed, would not only add to the popularity of His Majesty's government, but would also be highly beneficial in a political and moral light, and especially as a means of encouraging the use of the English language throughout the province. In July, the colonial secretary answered that the proposals were approved of and that Sir Robert was authorized to grant the necessary sums from the provincial funds for payment of the teachers' salaries for free schools to be established throughout the province, especially for teaching the English language, the number to be thus taught not to be limited but general. In addition schools of a higher grade were to be established on the model of the English public schools, and so soon as it became expedient, other and more enlarged institutions should be founded. The effects of these proposals had a happy effect according to Sir Robert's dispatch of the 23rd February, 1801, and although the grant to Lord Amherst would always be an unpopular act, yet this was a particularly favourable moment for it, carrying the order for the establishment of a competent number of free schools, etc., having had the effect of setting aside all reference to the Jesuit estates. A bill was in course of preparation in the assembly.*

The "Act for the establishment of free schools, and the advancement of learning in this province," passed in 1801, authorized the formation of a body under the title of "The Royal Institution for the advancement of learning." By this, a certain number of the inhabitants of any parish were required to present a petition praying that a school may be established therein. Then a schoolmaster was to be appointed and a salary assigned to him. A few schools were opened during the eighteen years following, without any regular system, and at a great expense to the province.

In a letter dated 6th January, 1801, the Duke of Portland expresses his surprise that the establishment of a Canadian battalion had met with such poor success, inasmuch as its principal object had been to draw the gentry from their indolent and inactive habits and to attach them to the King's service. Some unknown reasons may have contributed to diminish the zeal of the public in regard to such enlistment. Nevertheless, there

*Dr. Douglas Brymner: *Canadian Archives*, 1892, p. XVI.

was no more occasion to fear the state of indifference which had been experienced in 1775, as coming events soon showed,

Montreal had always been a hot-bed of opposition. After the discomfiture of the McLane party in 1797, a society composed of a few Americans had been formed in that city, proceeding on the principles of French Jacobinism and Illuminism, having one Rogers as the leader, who, it is believed, was the only one acquainted with the real objects of the plot. The society had increased from five to sixty-one members. Six were arrested and held for trial, but Rogers escaped. Among them were many of the persons concerned in McLane's conspiracy, particularly Ira Allen and Stephen Thorn, who were then lately arrived from France. Rogers was a schoolmaster from New England who had settled a short time at Carillon, on the Ottawa, about forty miles from Montreal. Ira Allen had collected the marauders in Vermont. The pretext of the association was to search for treasures, but the object of Allen and his friends was an invasion of Canada, or a raid, with the object of obtaining a large amount of plunder. Not a single Canadian name is found on the list of conspirators. The belief of Sir Robert Milnes was that Allen came as an emissary of the French Jacobins. A vessel containing arms was seized at Quebec. A certain Colonel Graham communicated the first information about this matter in a personal interview with the lieutenant-governor and left for destination unknown.

This state of things caused the greatest alarm; police associations were formed of the respectable inhabitants. General Hunter deposited, at the request of Milnes, 600 stand of arms for the use of the militia, who had been reviewed by the lieutenant-governor in different parts of the province to the number of 12,000 men. In the course of his tour, he had the satisfaction of observing the loyalty of the Canadian militia, so that he ventured on his return to Quebec to issue an order for one-eighth of the militia in and about Montreal. The response was instant and hearty. Sir Robert says: "The Canadian militia have not only shown themselves willing to come forward in the number required, but have volunteered to increase that number to any amount whenever government may require their assistance." On the 31st of July, 1802, the lieutenant-governor published the proclamation

of the restoration of peace and ordered a day of thanksgiving for the blessings it conferred, after nine years of constant war between France and Great Britain. Bonaparte, who in August, 1802, was elected Consul for life, had no intention of maintaining peace, and in April of 1803 war was declared again, which lasted until 1815.

Even whilst the peace subsisted, the French republicans were making efforts to obtain possession of Canada, being under the false impression that the Canadians would rise to their call and evidently convinced that the Americans were ready to help them. On the first day of June, 1803, long before any steps consequent on the declaration of war could have been taken, emissaries from France were in the province, bent on sapping the loyalty of the inhabitants. On the 5th of May, a week before the British Ambassador left Paris, six or eight men, holding commissions from the Republic of France, were reported to be at Chambly. These men had been officers with Humbert in the intended attack on Ireland, and they seem to have made no concealment of their uniforms. Several of them had gone to Montreal, taking names different from those by which they were known in Chambly, and they openly avowed their hostility to the British government in Canada.

A letter from Mr. Auljo, of Montreal, then in London, dated 15th of March, gives warning that Bonaparte is sending emissaries to Canada. Two are specially named: Mr. de Léry, an officer of French artillery, and Mr. Villtray or Villeray, a Canadian born, who was in Upper Canada last summer but was afraid to come on to Lower Canada. Mr. de Léry would come under the pretext of seeing his friends. Further, Judge Panet sent extracts from a letter to his brother by Mr. Imbert, who had left Canada at the time of the conquest and was now settled in France, informing him that the French as earnestly desired to repossess Canada as they did to obtain Louisiana. Other letters of the same nature were also communicated.

The legislature of 1803 passed a militia bill more complete and practical than that of 1796. Sir Robert Milnes thought that in case of a war with the United States the militia could be relied upon, but he would not venture to say the same thing if the French were to come. Only two regi-

ments, the 6th and 41st, with a corps of artillery were stationed in the province, not exceeding 1,000 men in all.

According to the report of Rouse, of Rouse's Point, who had an interview with the French minister at Washington, the plan of Napoleon was postponed on account of the strength of the British navy, but postponed only.*

General Tureau, French ambassador at Washington, who had tried to get into communication with the people of Lower Canada, was made the victim of an elaborate joke, in 1806. Some one wrote him a letter, signed with several names, speaking most hopefully of the chances of French intervention, and giving particulars that never existed, with a perfect absurd account of the state of affairs in the country, but of such colour as Frenchmen would desire to see. The capture of Quebec was a mere question of planting a tri-colour flag somewhere near the place. Committees were active, said the false letter, in every part of the province, and supported by the population. As for the Indians of the Saguenay and St. Maurice (a few starving and timid families at that time) they were ready to throw their innumerable warriors into the conflict. Ridiculous and laughable as this was, however, it was completely taken in, and the letter went to Paris, where it appears they made much of the information. The names mentioned in that document and the signatures appended, with titles, etc., were all purely imaginary. The author, however, spoiled his game in a subsequent communication, by asking for a sum of money to go to Washington and confer with the ambassador.

The session of 1802 (11th January to 5th of April) dealt with the peace in Europe; cultivation of hemp; houses of correction for young delinquents; printing of the regulations of the assembly; public roads; police in towns; the Militia Act; sudden meeting of the assembly in case of extraordinary events.

That of 1803 (8th February to 18th of April) took up the following subjects: Independence of the censitaires towards the seigneurs; the Catholic clergy and the government; members of the House absent during the session; burials in churches or cemeteries. Then, from the 2nd to the 11th

*Dr. Douglas Brymner: *Canadian Archives*, 1892, p. XLVII.

of August, the house sat again, in consequence of the recommencement of hostilities between France and Great Britain. The Alien Act, and that for the better preservation of His Majesty's government, also one concerning the enlistment of volunteer companies, were passed with a strong manifestation of loyal feeling which was universal throughout the province.

The session of 1804 (10th February to 2nd May) was dull, except that all the temporary measures already taken for the safe-guard of the province were renewed with every expression of loyalty to the Crown and the country. As the session advanced the *quorum* was reduced to twelve members, including the speaker.

In July the elections took place and returned one-third of English-speaking members. The fourth Parliament opened on the 9th January, 1805. The navigation of the inland waters of the province was taken into consideration for the first time, to facilitate intercourse with Upper Canada. A bill to enable the seigneurs to compound their feudal rights and dues with their censitaires was unsuccessful; this same question could only be settled fifty years later. The erection of gaols in Quebec and Montreal, and the imposition of special taxes to defray such expenditure, brought up much public agitation. Another bill for the regulation of pilots and shipping, with the creation of a Trinity House, was of great importance. Contested elections; salary of the French translator; Sunday observance; public functionaries who are also members of the assembly; occupied the attention, until one day, without previous notice, the usher of the black rod summoned the members before Sir Robert Milnes, who prorogued the debates. This is the first example of such closing of a session.

"The general opinion of Sir Robert Shore Milnes, as far as one can judge of it at this distance, ranks him as an easy, well-meaning man, with talents scarcely above mediocrity, of no self-confidence whatever, and consequently easily influenced by the irresponsibles about him, to whom he looked for advice. He was not a popular governor."*

The total of arrivals at Quebec, in 1805, was 146 vessels, burthen, 25,136 tons. "During the summer of 1806, 191 vessels, chiefly square-rigged, measuring, per register, 33,474 tons, from parts beyond sea, entered

*Christie: *History of Lower Canada*, I. 234.

at the custom house, Quebec. Exclusive of these, a great number of coasters were continually employed between Quebec and the Bays of Chaleurs and Gaspé, the coast of Labrador, the King's and other posts within the Gulf and River St. Lawrence. Shipbuilding also, to a considerable extent, was now carried on at Quebec."*

The first timber raft from the Ottawa River, coming out of the Gati-neau, was floated down to Quebec by Philemon Wright during the summer of 1806.

Sir Robert Shore Milnes left for England on leave, 8th of August, 1805, and Mr. Thomas Dunn, as president of the council, became administrator, but his government was not satisfactory to some; at least, of his fellow councillors. Chief Justice Allcock, between whom and Milnes a good understanding did not appear to exist, following in this respect the steps of his immediate predecessor, criticized very severely the personal peculiarities of Mr. Dunn, and his want of the qualities necessary for the important position he held.

*Christie: *History of Lower Canada*, I. 251.

CHAPTER XXI.

Clergy of the province, 1760-1806.

From 1763 to 1766, and probably before and after these years, there were four chaplains with the troops: MM. Ogilvie, Bennett, Bethune and John Brooke. The Reverends John Doty and — Stuart, were school-masters in Montreal (1766) and acted as ministers of the gospel, but had no charge of souls.

Léger-Jean-Baptiste-Noël Veyssières, a Recollet, who had given up his gown, went to England in 1767, without any recommendation from the governor, but managed to be admitted as a minister of the Anglican Church, and, on the 1st February, 1768, was appointed by the King, with two others, for the missions of Canada at a salary of £200 per annum. David-François de Montmollin was assigned to Quebec—he spoke no English. David Chabrand de Lisle went to Montreal, or perhaps was there already, for, in 1766, he acted as chaplain of the garrison of that place. Vessyières returned to Three Rivers, where he had been before as a Recollet.

The Recollet Church at Three Rivers was used solely by the Anglicans from 1760 to 1820, when the Methodists began to meet there also and continued until 1840, when they erected the first Protestant church in that place.

The Protestants of Montreal, in 1766, used the Recollet church, corner of Notre Dame and Recollet Streets, alternately with the Catholics. When they left to occupy a place of their own they made a present of tapers for the altar and wine for mass to the Recollet friars.*

Carleton write in 1768 that the Protestants in Quebec had the use of two churches in common with the Roman Catholics and another one altogether in their own hands. Mr. Montmollin applied for the church of the Jesuits, but it had been transformed into a military store since 1759, and

*F. J. Audet: *Royal Society*, 1900, I. p. 133-142.

in 1767 handed back to the Jesuits, who were putting it in a state of repair at great cost. Mr. Montmollin asked also to be permitted to levy tithes like the Roman Catholic clergy—that could not be done neither. There was a scheme for the rebuilding of the Cathedral, burned during the siege, by means of a grand lottery and a subscription in the United Kingdom, but the governor said that the Protestants had already the enjoyment of more churches than they could occupy.

In 1784, the pastors were distributed as follows: Anglicans, Quebec: Montmollin, Toosey; Montreal: De Lisle, Tunstall; Trois-Rivières: Veysières; Sorel: Doty. Presbyterians, Quebec: Henry, Sparks; Montreal: Somerville.

The Reverend Philip Toosey, was assistant of M. de Montmollin in Quebec, from 1785 to 1794, when he succeeded him. He devoted part of his time to colonization with good results.

It was the Reverend John Doty who established the mission at Sorel and he resided there until 1803 when he retired from the ministry. He had the honour to build the first Protestant church in the province. The consecration of the same took place on Christmas Day, 1785, and the name of Christ Church was given to it. M. Doty died at Three Rivers 23rd November, 1841, aged 96 years, leaving a well-deserved reputation for learning and urbanity.

The mission of St. Armand was opened in 1787 by the Reverend James Tunstall. In November, 1799, the Reverend R. L. Short was appointed as a missionary there and left the following year to go to Three Rivers.

On the 5th of August, 1789, the “first Episcopal conference of the Protestant church” was held in the Recollets’ Church, Quebec.

The diocese of Nova Scotia, created by George III. in 1787 was governed by Bishop Charles Inglis, who visited Quebec in 1789 and exercised his jurisdiction there with full right and authority. During his stay in that town he occupied the Recollet church as a place of worship.

The constitution of 1791 provided for the support of a Protestant clergy by allotting some of the waste lands as “clergy reserves,” that is to say the seventh part of all such lands which may be granted afterwards for colonization—but this was in favour of the “established church” only, and

the Presbyterians, Methodists, etc., soon objected to it. After sixty years of constant remonstrance and political agitation, the bill of 1854 handed over the administration of that revenue to the municipalities.

In 1792, the Anglicans of Montreal applied for permission to incorporate Christ Church congregation and to erect a building for their use, but that church was burned in 1803, together with several residences, the prison and the Catholic college. A new church was begun, in 1805, on the site of the old French gaol, Notre Dame Street, near St. Lambert Hill, but appears not to have been finished until 1814, if not later. The cost was over £4,700. It was burned down in 1856. Bishop Fulford then erected the present Cathedral on St. Catherine Street, which was completed in 1859.

The Anglican diocese of Quebec was created on the 28th of June, 1793, and the Most Reverend Jacob Mountain, selected as Bishop, sailed the next month for Canada. The name of his wife was Elizabeth Kentish. Of their four sons, the youngest took service in the army and became aide de camp to the Queen; the three others entered holy orders; one of them was the third Bishop of Quebec.

Until the arrival of the Bishop there was no kind of ecclesiastical organization in the province, and men like Vessyères, de Lisle, Montmollin, were not good examples of a religious vocation. It was William Pitt who made the choice of the Reverend Jacob Mountain, on the advice of the famous Dr. Tomline, Bishop of Lincoln. It was not before 1800 that Bishop Mountain succeeded in putting the affairs of the diocese in something like order, and then, with the help of the Duke of Portland, colonial minister, he brought things into a settled condition.

The construction of the Anglican Cathedral of Quebec was commenced in 1799 and finished in six years at a cost of £17,000 sterling.

A grant of land was made in 1803 to the congregation of the Church of Scotland in the City of Quebec, for building a church on a site forming part of the Jesuit College grounds.

Here is a list of the Protestant clergy in 1800: Bishop Jacob Mountain; Reverends Jehosaphat Mountain, archdeacon and rector of Three Rivers; Salter Jehosaphat Mountain, rector of Quebec; James Tunstall, Montreal; John Doty, Sorel; R. L. Short, St. Armand; MM. Montmollin

and Veyssières had retired. The Reverend Alexander Sparks, Presbyterian, resided at Quebec; M. James Somerville in Montreal.

The Church of St. Gabriel, the oldest in Montreal, corner of St. James and St. Gabriel Streets, belonged to the Presbyterians, and was used also by the Anglican community, who had no other place of worship in that town at the time.

The Reverend Jehosaphat Mountain was appointed assistant of M. Veyssières at Three Rivers in October, 1794, and when the latter died, in 1800, he succeeded him, but at the end of the same year the Reverend R. L. Short took the position, which he filled for nearly thirty years.

On a first application dated November, 1802, the members of the Scotch Church, resident in Quebec, did not obtain the grant of the site they wished to get for the building of a church, but in 1808 they were given 66 x 56 feet, north of St. Anne Street. Their pastor, the Reverend Alexander Sparks, died in March, 1819.

The first Methodist church at Montreal was erected in 1808.

The colonial secretary, the Duke of Portland, wrote in 1799 authorizing the building of a Metropolitan Church at Quebec, on the site of the late Church of the Recollets, burned in 1796, and a grant towards its support of £400 sterling annually, having no doubt that the inhabitants would contribute to the extent of their means, etc. The policy of the British government was to place the Church of England on the footing of the established church in Canada, to which, it was hoped, all the Protestant inhabitants would adhere. The building was completed in 1804.

The rectors of Quebec and Three Rivers received a salary of £200 each without any extra allowance; the rector of Montreal the same amount with £80 from the parish; of Sorel, £100 with £50 from the Society for the Propagation of the Gospel; and the evening lecturer at Quebec, £100.

In 1812 the clergy of the established church was composed of the Right Reverend Jacob Mountain Lord Bishop of Quebec; at Quebec: the Reverend S. J. Mountain, chaplain and secretary to the Lord Bishop, and rector of the church of that place; the Reverend G. J. Mountain, evening lecturer and domestic chaplain to the Lord Bishop; at Montreal: the Reverend Dr. Mountain, official of Lower Canada and rector of Christ's

Church; at Three Rivers: the Reverend Mr. Short, rector; at Sorel: the Reverend Mr. Jackson, rector of Christ's Church and chaplain to the Lord Bishop; at Missisqui Bay: the Honourable and Reverend Mr. Stewart, rector of St. Armand and chaplain to the Lord Bishop; the Reverend Mr. Cotton, rector of Dunham.

Clergy of the Church of Scotland at Quebec: Mr. Alexander Sparks; at Montreal: Mr. Somerville.

Before proceeding further it is well to mention here the heads of the Catholic church in the province. Mgr. Briand had selected the Reverend Louis-Philippe Mariauchean d'Esglis for his co-adjutor, in 1770; then, in 1784, having resigned as Bishop of Quebec, Mr. d'Esglis succeeded him. At the death of the latter, in 1788, Mgr. Jean-François Hubert took the seat, which he occupied until 1797 and was succeeded by Mgr. Pierre Denaut, who appointed Mgr. Joseph-Octave Plessis as his co-adjutor, in 1800. Mgr. Plessis lived in Quebec whilst Mgr. Denaut remained at Longueuil, where he had been curé for seventeen years.

The state of religion,* so far as Protestants were concerned, was not satisfactory. The first Anglican Bishop complained frequently and bitterly of the treatment accorded to the Church of England. In his letter of the 6th of June, 1803, he draws a comparison between the position of the Roman Catholic Church and the Church of England in Lower Canada, in which he says: "Compared with the respectable establishments, the substantial revenues and the extensive powers and privileges of the Church of Rome, the Church of England sinks into a mere tolerated sect; possessing at the present moment, not one shilling of revenue which it can properly call its own; without laws to control the conduct of its own members, or even to regulate the ordinary proceedings of vestries and churchwardens; without any provisions for organizing or conducting the necessary proceedings of an ecclesiastical court or power to enforce their execution. And what is worst of all, and what cannot but alarm and afflict the mind of every serious and reflecting man, without a body of clergy, either by their number sufficient for the exigencies of the state, or by any acknowledged right, or legitimate authority, capable of maintaining their own usefulness

*Taken from *Canadian Archives*, 1892, XXVII., 17-30.

or supporting the dignity of a church establishment. . . . In both provinces the majority of His Majesty's subjects are dissenters; and of these there is a great variety of sects. I speak not my own opinion only, but that of many of the best informed persons in both provinces, when I say that an effectual and respectable establishment of the Church of England would go far to unite the whole body of dissenters within its pale. . . . Respectable and useful ministers of our church will not easily be induced to spend their lives in the wilds of this country without any prospect of ever going to such more convenient and more honourable stations as their labours and virtues may be found to deserve. . . . The superintendent of the Church of Rome (for such I understand to be his legitimate and proper appellation) is in the actual enjoyment of all the power and privileges of the most plenary episcopal authority, under which he visits not this province only, and that of Upper Canada, but the provinces also of Nova Scotia and New Brunswick. It is under the immediate sanction of the Pope's bull that he and his co-adjutor enter upon the exercise of their episcopal functions. He selects, as I understand, without any license from His Majesty's representative, or any reference to him, whomsoever he thinks proper for holy orders and the care of souls. He disposes absolutely, if I am not misinformed, of the whole patronage of his extensive diocese; and since the settlement of the French emigrant priests in this province he has come forward with decision not only to assume himself in the public prints the title of "Bishop of Quebec," but to add the splendid style of "*Monseigneur Sa Grandeur le révérendissime et illustrissime.*" His co-adjutor wears the habit, and assumes the rank of a bishop and likewise receives the title of *Monseigneur*. Books in the English as well as in the French language, inculcating the doctrines and discipline of the Church of Rome, are publicly advertised, under his authority "for the use of the diocese of Quebec." I am far from wishing that the Roman Catholic clergy should be deprived of any of their privileges so liberally conceded to them for the free exercise of their worship, or of any reasonable indulgence that they enjoy; I would rather (if it were permitted) express a wish that the superintendent's allowance from government were better suited to His Majesty's distinguished bounty. But if in addition to his extraordinary

power and influence, he is permitted to continue this high style of dignity, it is natural to ask what becomes of the establishment of the Church of England? If the Roman Bishop be recognized as the "Bishop of Quebec," what becomes of *that* diocese which His Majesty has solemnly created, and of the Bishop whom he has been graciously pleased to appoint thereto? To authorize the establishment of two Bishops of the same diocese, of different religious persuasions would be a solecism in ecclesiastical polity, which I believe never took place in the Christian world; to attempt the union of different churches with the state would be, I hardly conceive, an experiment in the science of government not less dangerous than novel. . . . Unless both the positive and relative situation of the Church of England, in this country, be speedily and radically changed, all reasonable hope of maintaining the establishment of that church, will in my judgment be irrevocably lost."*

Sir Robert Shore Milnes in transmitting this communication to Lord Hobart, colonial secretary, adds the following information: "1st. Upon a moderate estimate, the settlers in the new townships may be put at from eleven to fifteen thousand, and when it is considered that there are at the present moment thirteen hundred thousand acres of land actually under patent, and that probably near two millions more will soon be added, it must be evident that at no very distant period the Protestants in this province will outnumber the Papists. 2nd. I have carefully examined the *Quebec Gazette* from the end of the year 1793 and I do not find any instance in which the Bishops themselves have assumed these titles, before the publication of the co-adjutor's sermon, in January, 1799. In June, 1794, indeed, Mr. Gragé, a Frenchman, giving an account of the death of Mr. Brian 'ancien évêque de Québec,' a Frenchman also (died 25th of June, 1794), in the *Gazette*, styles him 'l'illustrissime et révérendissime Père en Dieu'; and Mr. Desjardins, a French emigré, upon the death (17th October, 1797) of Mr. Hubert, does the same thing. 3rd. But I am speaking of the open assumption of these titles, and the style of the diocese by the Bishops themselves. Of French books advertised by authority 'à l'usage du diocèse de Québec,' I find no instance before September, 1800, nor of English books

**Canadian Archives*, 1892, p. 20.

'for the use of the diocese of Quebec,' before November in the same year. Up to July, 1796, their style was 'pour l'usage des Congréganistes'; in February, 1800, simply 'avec approbation.' The *Gazette* of 15th April, 1802 will exhibit specimens of the style now in use: 'Approbation de Sa Grandeur l'Evêque de Québec. . . . Approbation de Monseigneur l'illustrissime et révérendissime Pierre Denaut, évêque de Québec. . . Le Processionnal Romain, à l'usage du diocèse de Québec.'

The reply of Lord Hobart, dated 9th January, 1804, states that: "It has not been judged expedient, under present circumstances, to recommend that any question should be agitated which might tend to excite differences between the heads of the Protestant and Roman Catholic Churches, and it is, therefore, extremely desirable that you should point out to the two Bishops the propriety of abstaining from any act that might have the effect of producing mutual uneasiness, or of creating any irritation in the minds of the clergy or the persons professing religions which they respectively superintend. It will be highly proper that you should signify to the Catholic Bishop the impropriety of his assuming new titles, or the exercise of any additional powers; and it would be right that you should intimate to him that, although no express orders have been issued upon the subject, it is expected that if any such have been recently taken up, that they should not be persevered in. The French emigrant priests should also be reminded that their residence in Canada is only upon sufferance, and it is, therefore, the more incumbent upon them to observe the utmost circumspection in their proceedings, as they must be aware the indulgence with which they have been treated by the British government is liable to be withdrawn if they should render themselves undeserving of it by anything questionable in their conduct."

Subsequently a conversation took place between Jonathan Sewell, Attorney-General, and Mr. Plessis, co-adjutor, in April, 1805, as follows:

Plessis.—I have lately spoken to the Governor respecting the present situation of our church, and he has referred me to you on the subject.

Sewell.—The Governor has given me permission to explain my own private sentiments on the subject to you; and what I think you may ask, I will answer candidly. But before we proceed, let me observe that the

object is of the last importance to your church, and (I admit also) important to the government. It is highly necessary for you to have the means of protecting your church, and for the government to have a good understanding with the ministers of a church it has acknowledged by the Quebec Act, and at the same time to have them under its control. Let me also remark that the government having permitted the free exercise of the Roman Catholic religion ought, I think, to avow its officers, but not, however, at the expense of the King's rights or of the established church. You cannot expect, nor ever obtain, anything that is inconsistent with the rights of the Crown, nor can the government ever allow you what it denies to the Church of England.

Plessis.—Your position may be correct. The Governor thinks the Bishops should act under the King's commission and I see no objection to it.

Sewell.—My principle is this, I would not interfere with you in concerns purely spiritual, but in all that is temporal or mixed, I would subject you to the King's authority. There are difficulties, I know, on both sides; on one hand, the Crown will never consent to your emancipation from its power, nor will it ever give you more than the rights of the Church of England, which has grown with the constitution, and whose power, restrained as it is, is highly serviceable to the general interests of the state; on the other hand, your Bishop would be loth to abandon what he conceives to be his right, I mean particularly the nomination to *cures*; yet that he must do, for no such power is vested in the Bishops of England, and if permitted would be highly dangerous.

Plessis.—You said *conceives* to be his right; why so?

Sewell.—The statute of the 1st of Elizabeth, chap. 1, made for the dominions which the Crown then had, or might thereafter acquire, explains what I mean. But I shall not conceal my opinion, it is that the Bishop has no power, and I shall be happy to show you the grounds of this opinion at a future day, should anything arise out of this conversation.

Plessis.—I know the 1st of Elizabeth, but I confess I did not know that it was extended to the dominions which the Crown might thereafter acquire.

Sewell.—It certainly is. It was made at the time when England had most reason to be dissatisfied with the Roman Catholic religion, immedi-

ately after the death of Mary. It provided for the emancipation of all English subjects from the Papal power in all times and places.

Plessis.—Had Mary followed the advice of Cardinal Pole, the statute never would have been passed; she would not have been disgraced herself and her religion by her cruelties.

Sewell.—Whether he influenced her or not, Mary's conduct tended to establish the Reformation most firmly, and happily to blend the church and state of England as they are at present.

Plessis.—How are rectors (*curés*) appointed in England?

Sewell.—Where the King is patron, and he is of all livings not in the possession of individuals, by title, he presents to the Bishop, who, if there be no legal cause of refusal, inducts the clerk presented. If there be cause, he certifies that cause to the King, and if the King is satisfied he presents another, but if not, a writ issues to the Bishop requiring him to certify his cause of refusal into the King's courts, who try the merits of the refusal and declare it good or bad according to law; on this footing I would place your church.

Plessis.—The King then would become the collator to every benefice. The King of France was to consistorial offices, but not to *curés*.

Sewell.—He was to many *curés*, but not to all, because many of his subjects, lay as well as ecclesiastical persons, were the patrons.

Plessis.—The Bishop ought not to be obliged to certify his cause of refusal. In France, where the patron was a layman, he was bound to present five clerks successively before the Bishop was obliged to give any reason for refusing them. When the sixth was presented, he was bound to assign the cause of his refusal. If the patron was an ecclesiastic, he showed cause on the presentation of the third.

Sewell.—Neither of these rules extended to the King. I think I can show you that to your satisfaction. It would not be decent to refuse the presentation of the sovereign without cause, nor ought a Bishop ever to be ashamed of assigning the reason of his refusal in any case.

Plessis.—Presentation by the Crown agrees with the tenets of the Church of England, but not with ours. It would be against our spiritual duty. Bishops in France have always presented to the livings in their

dioceses—in the late concordat between the sovereign Pontiff and Bonaparte, their right to present is recognized.

Sewell.—As to Bonaparte and the Pope I will say nothing—except that the former (thank God) is no example to us. But I formally deny that it is contrary to your duty to receive a presentation from the Crown. It was the daily practice in France with respect not only to the Crown, but even to private patrons of all description. I am no Catholic, but my professional duty has led me to weigh well this objection according to your own principles. My answer is very short: The Bishop ordains in the first instance, which qualifies the character for the living: the prelate and not the Crown makes the priest; the Crown selects only from your own priesthood the person whom it thinks fit for the appointment, and if there be no cause of repeal the Bishop invests him with everything necessary to enable him to perform the functions of his curé. The reciprocal selection of the person by the Bishop in the first instance for the priesthood and of the Crown for the living in the second instance preserves a just balance between both.

Plessis.—In our church some orders qualify the individual to say mass, others to confess, others are formal.

Sewell.—I beg leave to interrupt you. When the Crown presents a person not admitted to orders sufficient for the appointment to which he is nominated, the Bishop has legal cause to refuse.

Plessis.—If the King presents in all cases, the Bishop will never have a chance of advancing a faithful pastor.

Sewell.—The Bishop once acknowledged, the head of his department will be that in fact. You know the attention that ever has been and ever will be paid to the heads of departments in our government. The Bishop's representation to the Government in such a case would secure the promotion of the person he wished to promote.

Plessis.—Your Bishop has certainly greater power. The *Gazette* lately informed us that he had presented Mr. Rudd to a living at William Henry.

Sewell.—The *Gazette* is certainly the King's paper, and its contents generally to be relied on, and that in this instance is the case. Mr. Rudd has been appointed to William Henry, but it was the Governor, and not

the Bishop, who presented him. Be assured that all livings in the Church of England in this province are in the King's gift.

Plessis.—Governors do not always pay attention to the recommendations which they receive. I remember Chief Justice Osgoode complained bitterly that Mr. Perrault had been appointed prothonotary of the King's Bench, contrary to his recommendation.

Sewell.—Mr. Osgoode's complaint confirms what I say. The conduct observed towards him was an exception to the general rule, and therefore he complained.

Plessis.—Our general church government is aristocratic, but the government of a Bishop is monarchical. He has the power of enacting *Règlements* which must be obeyed. You will not probably admit this position.

Sewell.—The power of a Bishop extends to a forcing by his *Règlements* the general principles of government adopted by the church. He cannot legislate, he can only enforce obedience to what is already enacted, to the canons and to the municipal laws of the country.

Plessis.—That is true, but our canons are different, materially different from yours.

Sewell.—I cannot admit that. It was enacted in the reign of our Henry the VIIIth that the canons then in force and not repugnant to the principles of the Reformation should continue in force until a review of them should be made, which never has been accomplished, so that the Church of England is now governed by the canons in force prior to the Reformation, which form the greater and most essential part of the canons which govern the Church of Rome.

Plessis.—You state incorrectly; your church, for instance, does not acknowledge the canons enacted by the Council of Trent.

Sewell.—The Gallican Church certain does not.

Plessis.—Yet the canons of the Council of Trent certainly were in force in France.

Sewell.—Yes, the greater part, but that was because the Kings of France enacted them in their ordinances. On this head, you cannot suffer, for those ordinances are at this moment component parts of the municipal law of Canada.

Plessis.—I once saw in the hands of Mr. Ryland (the governor's secretary) the King's instructions, in which it is said that no priest shall be removed from his curé, unless he has been previously convicted, in some of His Majesty's courts, of felony. There may be many instances, in which a priest ought to be removed, who has not been guilty of felony. The difficulties would be less if the Bishop had a jurisdiction over his clergy, an "officialité" which, perhaps, never would be granted.

Sewell.—I have already requested you to understand that in all I say I speak my own private sentiments and no more. With this remark I have no hesitation to say that the government ought in policy to give the Bishop a jurisdiction over his clergy, subject always to the controlling power of the King's Bench, and to the operation of the writs of prohibition and appeal. The court of the Bishops in England are subject to the King's Bench.

Plessis.—If the writ of prohibition is similar to the "Appel comme d'Abus" in France, not a shadow of authority will remain in the Bishop. Every act of a Bishop was ultimately held in France abuse of his authority and constantly set aside in the Parliaments.

Sewell.—The writ of prohibition is very different from the "Appel comme d'Abus." By that all questions were re-examined as well in fact as in law. The writ of prohibition is a prerogative writ issued out of the King's Bench to prevent the ecclesiastical and other inferior courts from proceeding in causes instituted before them in which they have no jurisdiction or in which they proceed contrary to law. To what court the appeal should be is a subject for consideration.

Plessis.—You know that all curés at present are removable at the pleasure of the Bishop. In the first establishment of this colony it was otherwise, but afterwards upon establishment of the Seminary of Quebec, Monseigneur de Laval got it fixed as it is at present. If the King presents, the curé ought to be removable at the Bishop's pleasure.

Sewell.—I think very different. The spirit of the colonial institution grants every office during pleasure nominally, but that pleasure is well known to continue during good behaviour, and a rector in England is removable only for cause. It seems expedient to me that a curé should know his parishoners well and consider himself as fixed among them. In times of

difficulty a curé long resident with his flock can guide them better than a new comer. Mutual confidence is not the result of a short and transitory acquaintance; and without that nothing effectual can be done by the pastor at such a moment. I will tell you also frankly that curés dependent upon the will of the Bishop, would be little subject to the control of the government. If this was the case, the situation of the curé would not be enviable, nor could you expect that the better class of people would educate their sons for the church. Your court of the Bishop would be perfectly unnecessary and the presentation of the Crown an idle ceremony, if the Bishop could afterwards remove when he pleased.

Plessis.—The situation of a curé under such restriction would be better then, than the situation of the Bishops of Canada at present. For myself, I have enough, I am in a cure which gives me all I want, but Bishop Denaut is in poverty, holding a living and active as a parish priest, in direct contradiction of the canons.

Sewell.—My mind upon that subject is completely made up. The government recognizes your religion and making its officers officers of the Crown, should provide for them as for all others. The Bishop should have enough to enable him to live in a splendour suited to his rank, and the coadjutor a salary in proportion.

Plessis.—I do not want to see the Bishop in splendour, but I wish to see him above want. I do not wish to see him in the legislative or executive council, but as an ecclesiastic only, entitled to the rank which is due to him in society.

Sewell.—When I said splendour, I qualified the expression by calling it “a splendour suited to his rank.” I mean by that, that his income should be that of a gentleman, and equal to a proper expenditure. There is in fact no such thing as splendour in Canada.

Plessis.—We mean the same thing. But there is a great delicacy in this matter. If the Bishop was salaried and relinquished the right of nominating the curés, the public would not hesitate to say that he had sold his church.

Sewell.—To stop the public clamour is a useless attempt. If matters of state were to be staid for fear of popular abuse, government would be

able to do but very little; the governed but seldom approve. In this instance, if the matter is viewed as it ought to be viewed, the world must be satisfied that, instead of relinquishing a right you have in fact none to relinquish, you abandon the shadow and receive the substance; surely, this is sufficient answer to any vulgar declamation against a Bishop who makes terms highly advantageous to his church and must be satisfactory to himself.

Plessis.—I don't know; it is his affair.

Sewell.—There is one idea which I wish to suggest. If you ever mean to place the officers of your church upon any footing, this is the moment. The present Lieutenant-Governor is a gentleman of most liberal principles, he has been long enough in the country to know all that relates to it, is well disposed to serve you, and is on the point of going to England where this matter must be settled.

Plessis.—I am well aware of all this. Whatever is to be done must be done now.

Sewell.—If I say what I ought not to say, you will excuse me, but I feel convinced that if you forego this opportunity, it will never return. It is to your interest to avail yourself of the present moment, and make the best terms you can.

Plessis.—You cannot say anything which can either hurt or offend me. I consider this a free conversation on both sides, for effecting a very important subject, which, without an unreserved communication, can never be effected.

Sewell.—I will not take up any more of your time at this moment.

Plessis.—I am much obliged by the time you have bestowed on me. Something must be done, and though we may differ in the detail, I think we shall not in the outline, and if we do differ we must be temperate, and in that case we shall ultimately agree. I am, however, a subordinate officer. I must first write to the Bishop, and when I know his sentiments I will wait upon you.

Sewell.—Do so, but pray keep in mind what I have said, that you never can obtain anything inconsistent with the prerogatives of the Crown, nor at all events any right that a Bishop of the Church of England does not possess.

In a petition signed "Pierre Denaut, Bishop of the Roman Catholic Church," dated 18th July, 1805, it is asked "that your petitioner and his successors be civilly recognized as Bishops of the Roman Catholic Church of Quebec and enjoy such prerogatives, rights and emoluments as Your Majesty shall graciously attach to that dignity." On the 27th of the same month Sir Robert transmitting the above documents to the home authorities says: "I flatter myself the petition will give an opening to the final settlement of those objects with regard to the Roman Catholic clergy which I have had in view for several years past. . . . I feel myself called upon in justice to Mr. Denaut to state to Your Lordship that I have found him uniformly candid and open in the course of several conversations we have had on this subject, and I believe there is no man more truly attached to the government than he is. Your Lordship will observe that in signing the enclosed petition to His Majesty, Mr. Denaut styles himself 'Bishop of the Roman Catholic Church,' and prays that he may be formally acknowledged as 'Bishop of the Roman Catholic Church of Quebec,' a title by which he is not acknowledged in the King's instructions to the Governor where he is only called superintendent of the Romish Church. But, though the title is not allowed by the instructions, it has always been used in courtesy, except in official letters from the Governor, and Monsieur Denaut, as well as his predecessors, has usually been addressed by the title of Monseigneur, not only by society in general, but also by the persons administrating the government."

Mgr. Denaut died on the 18th of January, 1806, and was succeeded by Mgr. Plessis, who took the prescribed oaths on the 27th of same month, Mr. Panet being appointed to the office of co-adjutor and taking the oaths on the 8th February following.

CHAPTER XXII.

Debates in the assembly, 1808-1810—Talk of war—Preparations for defence, 1808—Sir James Craig and his surroundings—Trade, navigation, finance—Trouble with the assembly—*Le Canadien* suppressed, 1810—Elections—Sir James recalled, 1811.

A song composed in Quebec alluded to the Milnes-Ryland-Sewell anti-Canadian party as pretty fair tyrants, but quite a small battalion to meet the Americans—and the chorus ran: "They will rely on our arms." These lines are a perfect picture of the time.

The House opened 28th February, 1807. Subjects of debate: War in Europe; state of affairs with the American Republic; the Jews in the assembly; contested elections; monetary circulation; inspection of wood and lumber; the judges elected members of the legislative assembly; importation of liquor; public works; taxes on notarial deeds, land surveyors and copies from public archives; pilotage; Three Rivers hospital.

The assembly took into consideration the expediency of having an authorized agent, resident in Great Britain, for the purpose of attending to the interests of the province, when occasion should require, and determined that it would be highly advantageous to have such an one legally authorized and resident there. No other action was taken on this subject.

An effort was made in 1807 towards obtaining an allowance for defraying the expenses of the members of the assembly who resided at a distance from Quebec, but the subject was postponed.

"That the Canadians at this time were loyal to Great Britain, and out of all sympathy with the course of events in France, is shown by their enthusiastic celebration of Nelson's victory at Trafalgar."*

"From the beginning of the war comparatively large amounts were contributed by Canadians of all creeds and classes towards the funds necessary for its prosecution. Among the names on the first subscription list are

*W. H. P. Clement: *History of the Dominion*, p. 147.

those of the leading English-speaking merchants, who gave liberally, the French-speaking inhabitants being also worthily represented. The religious institutions and the clergy joined heartily in the movement, the Seminary of St. Sulpice giving £500 as a gift and engaging to contribute £300 annually during the war, the largest single contribution, the annual subscriptions of the others ranging from £5 up to £25. Some time after Sir Robert Milnes forwarded the following letter from Lieut.-Colonel de Longueuil: Sir,—I have the honour to enclose to you a bill of exchange on the paymaster general for five hundred pounds sterling, with my humble request that Your Excellency will be pleased to transmit the same to His Majesty's treasury, as a contribution from the officers and privates of the 1st battalion of Royal Canadian Volunteers, towards the support of the present war. I am, etc.

“The victories at sea over the French navy had the effect of securing peace for some time, and during that period no great alacrity appears to have been shown in volunteering for military service, the danger seemed so far off and the probability of its near approach very slight. But as soon as the indications were that the United States had some intention to enter the field the martial spirit that was latent became aroused, and Colonel Isaac Brock expressed no doubt of being able to raise an efficient force in both provinces, to whom arms might safely be entrusted.”* Colonel Brock was in command of the forces since 27th September, 1806.

Lieutenant-Governor Francis Gore, who had taken charge of the forces in Upper Canada, although he held no military rank, was actively preparing for the defence of that province. He went to Montreal to consult with Brock, during the summer of 1807.

Quebec had no fortification worth mentioning. The works constructed by Captain Twiss in 1779-1783 were decayed and could not resist an enemy's fire. They have erroneously been regarded as the ruins of the French construction. The citadel built at that time was never intended for a permanent structure. In 1802 or 1803 the attention of Mr. Pitt being called to this state of things, a plan was made by which we see that in the citadel there was an ordnance store, constructed in 1800 and a powder magazine built in 1801. In 1804, another plan was drawn up for the construction of

*Dr. Douglas Brymner: *Canadian Archives*, 1892, IV.

three Martello Towers, then quite a favourite mode of fortification with the military. Towers No. 1 and No. 3 were commenced in 1805 and finished in 1810. Tower No. 2 was commenced on the 11th May, 1809, but was not completed until 1818. Tower No. 4 was not completed until 1823. Additions were made to the citadel in 1816. The present citadel was constructed in 1823 on the basis of the plans of Holland and Twiss, by Lieut.-Colonel Durnford, and supplementary works by Colonel Mann.

St. John's Gate was built under Frontenac; removed by de Léry in 1720; rebuilt in 1791, and again in 1867; and demolished in 1898.

Palace Gate, first built under Frontenac, was restored in 1720 and again in 1790. It was rebuilt in 1823-1832 in imitation of the Nola and Herculaneum Gates of Pompeii. It was demolished in 1864.

St. Louis Gate was built under Frontenac, appearing first on his plan of 1693. It was rebuilt in 1721; altered in 1783; again rebuilt in the scheme of 1823-1832, and replaced by the present arch in 1873.

Hope Gate was built in 1786. It was altered in 1823-1832, and strengthened outward in 1840. It was demolished in 1874.

Prescott Gate was built in 1797; rebuilt in 1823, and demolished in 1871.

Chain Gate forms a part of the work undertaken in 1823-1832, and protects the road to the citadel, known as Citadel Hill.

Dalhousie Gate, which forms the entrance to the citadel, was erected in 1827, during the administration of Lord Dalhousie.

Kent Gate was built in 1879, Her Majesty Queen Victoria contributing to the cost, in memory of her father, the Duke of Kent after whom it was named.*

Captain Mann, of the Royal Engineers, had reported (1791) that the walls round the City of Montreal were no longer required as military works, and that their ruinous condition made them rather a nuisance than a benefit. Citadel Hill, he considered, should be levelled and barracks built on part of it, or by levelling the hill to an easy slope Notre Dame Street might be opened to the suburbs called Quebec. This was agreed upon by the Imper-

*Dr. A. G. Doughty: *The Fortress of Quebec*, pp. 68-80.

ial authorities, but they asked that the governor ascertain what claim the citizens may be expected to prefer in the matter, as the French government had erected these fortifications on private property without allowing any indemnity to the respective owners. Petitions then began to come in from the various proprietors and it was not before 1801 that a bill was passed by the assembly for the removal of the walls, also to make the ground revert to the rightful owners or their legal representatives.

The commissioners appointed to superintend the removal of the walls who were still busy with that matter in 1813 were: James McGill, John Richardson, Jean-Marie Mondelet, Louis Chaboillez, secretary.

During the summer of 1807, says Christie, "there were serious apprehensions of war with the United States, whose interests were suffering between the two great belligerents in Europe. The feeling of hostility throughout the Republic was aggravated by the affair between the *Leopard* and the *Chesapeake*, in which the former had fired upon the latter . . . for the purpose of searching her, and had taken from her four deserters, unhappily killing six men and wounding twenty-six others."

As the inhabitants of the United States talked of walking into Canada, Mr. Dunn wished to make a counter demonstration of the public pulse in the province. Accordingly, towards the end of August, 1807, he gave directions for draughting a fifth part of the whole militia, with orders to hold themselves in readiness to march whenever it might be found expedient. "The command was no sooner given than accomplished. Never was order obeyed with more cheerfulness, alacrity and patriotism than it, by all classes of His Majesty's subjects, and not to obedience merely, but to emulation. The Roman Catholic Bishop, Mgr. Plessis, issued a *mandement* or pastoral letter on the occasion, which was read in all the churches of the diocese, and a *Te Deum* sung in each throughout Lower Canada."*

Mr. Joseph Bouchette, the surveyor-general, knew that Canada was quite unprepared for war and that the British authorities did not believe in the possibility of offensive or defensive operations. His opinion on this subject is embodied in a letter addressed to Mr. Cooke, the under-secretary

*Christie: *History of Lower Canada*, I., 258. He also quotes an article of the *Mercury* in the same sense.

for the colonies. Alluding to the plan of the Americans who wished to place General Moreau at the head of 6,000 men for the purpose of attacking Canada in the event of war, he wrote: "I conceive he can have but a very little chance of succeeding, as a much greater force will be required to ensure the Americans any degree of success whatsoever. If they talked of fifteen or twenty thousand men, divided as follows, I should feel more alarm, that is to say, six or seven thousand men headed by General Moreau to proceed to Montreal, an equal force up the Kennebec River and down by the River Chaudière to take post before Quebec, erecting batteries opposite to the town at Point Lévy, and three or four thousand to go down by the River St. Francis (Lake St. Peter) with an intention of forming a junction with Moreau's army at Three Rivers in case of his success in taking Montreal." This had been the campaign of 1775 so far as the movement of the American troops was concerned. The attitude of the Canadians made the invasion rather easy at that time, but in 1807 things were different in that respect. Bouchette advised to take the following steps: "By augmenting the military force in the two Canadas to ten thousand strong, if no more can be spared, added to about twenty or twenty-five thousand active militia in Lower Canada and about twelve or fourteen thousand in Upper Canada, besides the Indians, the Americans would find it a very difficult task to take either of the provinces, but more especially Lower Canada. With respect to Upper Canada, they have more in their power and less militia to oppose them, and also the advantage of turnpike roads leading to the different garrisons which they at present occupy on the frontier, a circumstance highly in their favour. Nevertheless, I am convinced that by a judicious distribution of troops and militia of that province and augmenting the naval force on the lakes, added to the state and commanding position of Fort George, situated on the west side of the Niagara River, a most powerful resistance can be made, and I trust that time will show that Canada is not so easy a prey to the Americans as they consider it to be." These prophetic lines turned out to be true five or six years later.

Sir James Henry Craig left England with the impression that war was imminent and that an attack on any other point than Quebec could not be met with effectual resistance. Lord Castlereagh was doubtful if a pro-

longed resistance were advisable; he was in favour of the formation of independent companies of Canadians, officered by gentlemen of the country, as preferable to more numerous corps.

Sir James arrived in Quebec on the 18th October, 1807, but on account of illness did not take the oath of office till the 24th. The news he brought was the cause of much anxiety. After Jena and Friedland the prestige of Napoleon was greater than after Austerlitz. There was a certitude that the United States would frame their action depending on this powerful ally, in case of a rupture of their diplomatic relations with Great Britain.

By the end of October, as previously ordered by Dunn, a muster, or review of the militia took place and it was estimated that with the 5th Battalion ordered to hold itself in readiness, there would be a total of 37,000 militia. Military stores were entirely insufficient. Of small arms only 7,000 were available because 4,000 or 5,000 had been sent to Upper Canada and that province was asking for 7,000 more. Accoutrements did not exist. Of flints the supply even for the regulars was insufficient.

Sir James had come with a full knowledge of the danger arising from the prospect of a war with our neighbours. He was a man of letters and a good military officer, which was enough to guide him safely, even in such a delicate position as he had here, but his temper, his character and the old stock of absolute principles he cherished made him the most likely person to create dissatisfaction among the people. Happily the latter were under a strong impulse of patriotism and could listen to the clergy who set aside all other considerations and spoke directly to their hearts. Things, nevertheless, would not have gone so well as they did at the hour of fighting if the same governor had been then in authority, but he was removed just in time.

Sir James found in Canada some men of his particular stamp and these surrounded him immediately. The result was that he joined with the anti-Canadians and the small party of the late *Courrier de Quebec* under the leadership of Judge de Bonne. These were styled *Chouayens* by the Canadians, because they reminded them of a band of traitors who had made a name for themselves at the taking of Chouagen (Oswego) in 1756.

The days of Milnes and Craig (1800-1811) are well called "the reign

of terror," because the government during those eleven years was in the hands of the council, and that council was mostly composed of petty tyrants. Among them were some Canadians. Birds of the same feather will flock together. For the same reason the Canadian party in the House found some supporters among the English-speaking population.

Craig asked for the repeal of the Act of 1791, in order to replace the province under a council named by the Crown; or such an adjustment of representation in the assembly as should give the English-speaking minority a preponderance in that house, for instance, by depriving several classes of Canadians of the right to vote, thus reducing the "new subjects" to a figure below that of the "old subjects."

"Ryland, who had been secretary to each succeeding governor since 1796, was well known for his antipathy to everything French and Catholic—and Craig's policy may be inferred from the fact that Ryland wrote of him as 'the very man for this country.'"*

Jonathan Sewell, the anti-Canadian was speaker of the legislative council, after the death of Henry Allcock. The members of that corps under Sir James Craig were: The Bishop of Quebec (Reverend Jacob Mountain), Thomas Dunn, Paul Roch de St. Ours, François Baby, Joseph de Longueuil, Charles de Lanaudière, Sir George Pownall, R. A. de Boucherville, Henry Caldwell, Chief Justice Monck, Sir John Johnston, Chartier de Lotbinière, Gabriel Elzear Taschereau, Jenkin Williams.

The executive council was composed of the Bishop of Quebec, Thomas Dunn, P. R. de St. Ours, François Baby, Joseph de Longueuil, James McGill, Chief Justice Monck, P. A. de Bonne, John Lees, John Young, Jenkin Williams, John Craigie, P. L. Panet, John Richardson, James Irvine.

This council or cabinet, as well as the legislative council, or upper house, or senate, derived their appointments from the Crown. Seven members of the legislative council were also in the executive, Mr. de Bonne was in both of them, besides sitting as a member of the assembly.

The session of 1808 was remarkable for the nature of the questions brought forward, such as the true spirit of self-government, and even the responsibility of the ministers or executive councillors. Whether Mr. Pierre

*W. H. P. Clement: *History of the Dominion*, 147.

Bédard intended that the ministers should be designated by the House and responsible to that body is not quite clear, but he maintained that their actions could not be imputed to the sovereign—only to themselves. No such principle had yet been expressed in England, and both countries had to wait forty years more before it was recognized and adopted. Five or six orators of ability, science and temperament supported Mr. Bédard: Denis-Benjamin Viger, Louis Bourdage, M. P. D. Debartzch, Joseph Papineau, Louis-Joseph Papineau, J. T. Taschereau, J. L. Borgia.

“While the quarrel about the judges was still going on, Craig asked the assembly to provide more money for the expenses of government. It promptly offered to pay the government officials, hoping thus to gain control over them. But the offer was not accepted, and the salaries were paid, as before, from money received from the sale of wild lands and from duties placed by the British government on goods brought into Canada. With this the assembly could not interfere, but to meet the cost of making bridges and roads, and putting up public buildings, it was allowed to tax the people.”*

It is a noticeable fact that whilst the assembly stood as the representative of liberal ideas in the country, it took such a determined stand against a Jew recently elected as a member of that body, but the inconsistency was only in appearance not in fact. Mr. Ezechiel Hart was an intimate friend of the governor, who had gone so far as to reside in the house of that gentleman during the election time. Strictly speaking, the opposition that followed was directed against Sir James in the person of his friend. It is well known that the governor cut short the debates on that subject and others, by calling general elections in two consecutive years, but without gaining an inch of ground. He avenged himself by dismissing several officers of the militia, including four members of the House: Mr. Panet, the speaker, François Blanchet, Pierre Bédard, J. T. Taschereau and Joseph Levasseur Borgia.

“The extraordinary state of affairs in Europe, with the American non-intercourse and embargo system, operated favourably for the Canadian trade, particularly in the article of lumber, which, owing to the quasi-

*Emily P. Weaver: *Canadian History*, 167.

exclusion of the British from the Baltic, took about this time a prodigious start, evincing at once the independence of Great Britain on a foreign power for that article, and consequently the value of her North American possessions, taking in return for their timber, large supplies of British manufacturers.'*'

The revenues of 1806 amounted to £36,417 currency, and the civil expenditure, £36,213 sterling, including £2,000 to General Prescott and £1,500 to Sir Robert Shore Milnes; also £850 to Mr. Dunn. After the arrival of Sir James Craig, Mr. Dunn retired with a pension of £500 a year.

The public accounts for 1807 showed a revenue of £35,943 currency, against an expenditure of £44,410 sterling, besides those of the legislature, amounting to £2,821 currency.

The revenues in 1808 were £40,608 currency, and the expenditure, £41,251 sterling.

| Exportations. | 1796 | 1799 | 1802 | 1807 | 1808 |
|---------------------|-------|---------|-----------|---------|---------|
| Wheat, bushels ... | 3,106 | 128,870 | 1,010,033 | 234,543 | 186,708 |
| Flour, bar. | 4,352 | 14,475 | 28,301 | 20,424 | 42,462 |
| Biscuits, cwt. | 3,882 | 20,535 | 22,051 | 28,047 | 32,587 |

Vessels to the number of 334 cleared from Quebec in 1808, loaded with wood, potash, coaltar, turpentine, wheat, flax, staves, hemp, peral-ashes, flour and provisions of all kinds.

In the year 1810 the number of vessels entered and cleared at Quebec was 635, with a tonnage of 138,057. The vessels built at that place and cleared numbered 26, with a tonnage of 5,836. The revenue of the province was £68,000 and the expenditure £42,000.

In 1809 the House sat from April 10th to May 15th: threatening war with the United States; trouble with Sir James Craig; antagonism between the council and the assembly; responsible government advocated; the judges elected for the assembly; the militia. Having to give assent to some bills, the governor went in state to the assembly, on the 15th May, and read a novel sort of speech containing passages such as this: "I am sorry to say that I have been disappointed in all I expected from you. You have

*Christie: *History of Lower Canada*, I., 277.

wasted in fruitless debates, excited by private and personal animosity, or by frivolous contests upon trivial matters of form, that time and those talents, to which, within your walls, the public have an exclusive title. This abuse of your functions you have preferred to the high and important duties which you owe to your sovereign and to your constituents; and you have, thereby, been forced to neglect the consideration of matters of moment and necessity which were before you, while you have, at the same time, virtually prevented the introduction of such others as may have been in contemplation. . . . So much of intemperate heat has been manifested, in all your proceedings, and you have shown such prolonged and disrespectful attention to matters submitted to your consideration, by the other branches of the legislature, that whatever might be the moderation and forbearance exercised on their parts, a general good understanding is scarcely to be looked for without a new assembly. . . . I shall abstain from any further enumeration of the causes by which I have been induced to adopt the determination, which I have taken, because the part of your conduct, to which I have already referred, is obviously and in a high degree, detrimental to the best interests of the country, such, as my duty to the Crown forbids me to countenance, and as compels me to have recourse to a dissolution, as the only constitutional means by which its recurrence may be prevented. . . . I have an entire confidence in the electors, to whom I shall recur; trusting that by the choice of proper representatives, further mischiefs may be obviated, and the important interests of the colony considered in next Parliament with less interruption, and happier effect. . . . I offer you, gentlemen of the legislative council, the acknowledgments that are due to you, for that unanimity, zeal and unremitting attention, which you have shown in your proceedings. . . . To a considerable portion of the house of assembly, my thanks are equally due. I trust they will believe that I do them the justice of a proper discrimination, in the sense I entertain of their efforts to avert that conduct of which I have so much reason to complain."

The surprise of the members after this censure à la Louis XIV. spread through the country and created at first an impression that the House had deserved such an unusual act of severity, and if the days for the polls had

been appointed within a month or two some strange results might have been seen, but the general elections only took place in October, after the people had realized that the assembly had been dissolved for having espoused their interests in opposition to the encroachments of the governor and the upper house upon the public rights. Returns were as follows:—

Gaspé.—.....

Cornwallis.—Joseph Robitaille, J. L. Borgia.

Devon.—François Bernier, J. B. Fortin.

Hertford.—E. Feréol Roi, François Blanchet.

Dorchester.—P. Langlois, J. T. Taschereau.

Buckinghamshire.—François Legendre, J. B. Hébert.

Sorel.—Edward Bowen.

Richelieu.—H. M. Delorme, Louis Bourdages.

Bedford.—John Jones.

Surrey.—Joseph Beauchamp, Joseph Bédard.

Kent.—L. J. Papineau, P. Dominique Debartzch.

Huntingdon.—Jean Antoine Panet, Stephen Sewell.

Montreal county.—Le Roi Portelance, J. B. Durocher.

Montreal East.—Joseph Papineau, James Stuart.

Montreal West.—D. B. Viger, Thomas McCord.

York.—Pierre St. Julien, John Mure.

Effingham.—Joseph Meunier, Joseph Duclos.

Leinster.—Bonaventure Panet, J. T. Taschereau.

Warwick.—James Cuthbert, Ross Cuthbert.

St. Maurice.—Michel Caron, Louis Gûgy.

Three Rivers.—Matthew Bell, Joseph Badeaux.

Hampshire.—François Huot, A. J. Duchesnay.

Quebec county.—P. Amable de Bonne, R. Gray.

Quebec upper town.—Claude Dénéchau, J. Blackwood.

Quebec lower town.—Pierre Bédard, John Jones.

Orleans Island.—Jérôme Martineau.

Northumberland.—Thomas Lees, jr., Joseph Drapeau.

In all: 1 return not complete; 36 Canadians; 15 new members.

The arrival at Quebec of the *Accommodation*, on the 11th November,

1809, deserves to be noted. This was the first steamboat on the St. Lawrence. M. John Molson had built it in Montreal, two years after the one launched by Fulton on the Hudson River. In 1811 M. Molson floated the *Swifture*, in 1812 the *Malsham*, in 1817 the *Lady Sherbrooke*.

The first session of 1810 (29th January to 26th February) was partly a continuation of the debates of the preceding year: the judges elected to the assembly; rumours of war; the fiftieth year of the reign of George III.; an agent of the province in England; revenues and expenditure of the province; the House offering to meet public expenses, also to take the control of finance. At this last proposal Mr. Ryland was deeply alarmed and went to London in order to represent his own views of the situation, which meant the policy of Sir James and his party. Several months elapsed without any satisfactory result in the sense he desired it. The reading of his letters to the governor amply show that he was given the cold shoulder in official circles. Finally, he had to come back carrying the news that his master was recalled.

But Sir James in his absence had done marvels. The sudden prorogation of Parliament on the 26th February he explained as follows: "The house of assembly have taken upon themselves, without the participation of the other branches of the legislature, to pass a vote, that a judge of His Majesty's Court of King's Bench (P. A. de Bonne) cannot sit nor vote in their House."

The elections of March, 1810, introduced to our notice the members who composed the assembly during the eventful years 1810-1813:—

Gaspé.—George Pyke.

Cornwallis.—Joseph Levasseur Borgia, Joseph Robitaille.

Devon.—François Bernier, J. B. Fortin.

Hertford.—Etienne Féréol Roi, François Blanchet.

Dorchester.—Pierre Langlois, J. T. Taschereau.

Buckinghamshire.—François Legendre, J. B. Hébert.

Sorel.—Jacob Pozer.

Richelieu.—Louis Bourdages, H. M. Delorme.

Bedford.—Alexis Desbled.

Surrey.—Joseph Bédard, Pierre Amiot.

Kent.—L. J. Papineau, Pierre D. Debartzeh.

Huntingdon.—Jean-Antoine Panet, Edme Henri.

Montreal county.—Le Roi Portelance, James Stuart.

Montreal East.—Stephen Sewell, Joseph Papineau.

Montreal West.—Norman McLeod, Etienne St. Dizier.

York.—Pierre St. Julien, François Bellet.

Effingham.—Joseph Meunier, Joseph Beausoleil.

Leinster.—Joseph Archambault, D. B. Viger.

Warwick.—Ross Cuthbert, Louis Olivier.

St. Maurice.—Michel Caron, François Caron.

Three Rivers.—Matthew Bell, Thomas Coffin.

Hampshire.—F. X. Larue, François Huot.

Quebec county.—Louis Gauvreau, J. B. Bédard.

Quebec upper town.—James Irvine, Claude Dénéchau.

Quebec lower town.—John Mure, Pierre Bruneau.

Orleans Island.—Charles Blouin.

Northumberland.—Thomas Lee, Augustin Caron.

In all 50 members; 20 of them had not belonged to the last assembly. Five of the twelve English-speaking members were elected by rural counties.

The violent and unjust attacks of the *Mercury* were less calculated to circulate in Canada than in England, where the editor expected to find support and assistance, but in 1809, *Le Canadien* had also made its way there and opened the eyes of several men of influence in the political spheres of the metropolis. Ryland had found that out and he expected to be able, by means of personal interviews, to counteract the effect of such publication. But *Le Canadien* had paved the way to a different conclusion than that of the Ryland party.

In virtue of an order from Sir James the printing office of *Le Canadien* was sacked on the 17th March, 1810, by a squad of soldiers, and M. M. Bédard, Taschereau, Blanchet, Borgia, sent to gaol. Viger, Laforce and others could not be found when search was made for them. Several arrests were made in Montreal also. The oligarchy was triumphant—but the country was on the verge of being lost. The imprisonment of British subjects and members of Parliament who were pleading for British liberty produced on the intelligence of the population a far greater effect than it would

have done many years before, on account of the advance of political education throughout the masses. The essential French weapon called "songs" was brandished everywhere. Terror reigned no more; it was indignation and not fear that succeeded it. The Canadians were decidedly ripe for political liberty. Those who styled this "rebellion" were simply behind the time. Now the House was supported by the bulk of the population. It has been said that the perspicacity of Sir James saw that at a glance; that foresightedness came after the event—too late.

A groundless rumour was put in circulation by the anti-Canadian party to the effect that the French minister at Washington had supplied large sums in gold to promote the views of the seditious in Canada, and that the whole of his correspondence had been intercepted by some agents of our government. These reports were evidently intended to prepare the public mind for another crisis. But, news from England destroyed such hopes. The prisoners were released. The absolutism of the last few years was disallowed. The political atmosphere became clearer.

At the opening of the seventh Parliament, 10th December, 1810, Sir James was no more like the autocrat who had brutally prorogued the previous sessions. He told Charles de Lanaudière, writes M. de Gaspé, that he had been wretchedly misled, which was not a compliment to Lanaudière.

The House took the management of the Alien Act from the hands of the governor, and decided that no judge or public functionary could sit as a member elected by the people. Then the assembly voted certain taxations to cover government expenses, meaning evidently that this was a step in the direction of the financial control—the council protested at first, but had to keep quiet after that and look pleasant.

Under the Parceval administration—November, 1809, to May, 1812—several changes took place in the ministry and it is difficult to say when and by whom was made the proposition to remove Sir James Craig, but when he left Quebec, on the 19th of June, 1811, he must have known that his successor was appointed. The fact that Sir James explained his departure without leave, by the poor state of his health and that the Regent answered him not to mind that, shows that the excuse was accepted. Sir James died soon after his return to England. Mr. Dunn, acting on precedent, took over the administration of the province.

CHAPTER XXIII.

The War of 1812-1814.

Sir George Prevost arrived on the 14th September, 1811, and proceeded, as soon as possible, on a tour of the country with a view to inspect its natural defences. He discovered readily that the frontier of Lower Canada had a depth of forest extending to the St. Lawrence and that the population was numerous enough, and willing, to protect it; this he kept as his own command. With regard to Upper Canada, a flat land, but protected by a strong coast line, he allotted it to the British troops and their own militia, with Brock in charge of the civil and military authority. At this moment Lieut.-Governor Gore retired.

“Sir George Prevost was a Swiss officer, who was now promoted from the lieutenant-governorship of Nova Scotia. There the mildness of his rule had won for him golden opinions. He at once adopted in Canada a policy of conciliation, appointed Bédard to a judgeship and other leading French Canadians to positions of trust. In a short time he was as popular with the people of Lower Canada as his predecessor had been unpopular. The result was seen during the war of 1812, when the French Canadian militia fought side by side with their fellow-countrymen of British origin, and exhibited equal ardour in defence of home and native land against the foreign invader.”*

“Sir George Prevost, it was soon observed, cultivated a *souplesse*, unbecoming, as some thought, his station; those who had been particularly obnoxious to his predecessor were reinstated in their military rank and taken into his confidence. He placed them, as opportunities offered, in situations of honour, trust and emolument, by that means soothing them, flattering their partisans, and reconciling the mass to unanimity and combined action for the approaching war—a policy, though it gave offence at the time to many, at once equitable, wise, successful.”†

*W. H. P. Clement: *History of the Dominion*, 149.

†Christie: *History of Lower Canada*, II., 10.

The House met on the 21st February, 1812. The debates went on with the calmness of the ancient Roman Senate, as if nothing unusual could be apprehended, although the connection between the French and the American governments was no more a mystery. A bill for volunteer enlistment passed along with the renewal of the law concerning aliens, but the latter was modified so as to prevent the council or the governor from committing any arbitrary act. Steam navigation, both for commerce and military purpose; also the means of communication by land, occupied a great portion of the time. Sir James Craig would have been astonished at the patriotic earnestness of this House. The question of appointing an agent in London was examined in all its aspects, with a view to facilitate relations with Great Britain. At the close of the session, 19th May, the news from Europe told of immense preparations for war on the part of Napoleon.

The Assembly had granted £12,000 for drilling the militia, £20,000 for means of defence and £30,000 for the governor's use, should war be declared.

The revenues of 1811 amounted to £75,162 currency; the civil expenditure to £49,017 sterling. The salaries to officers of the legislature, including contingencies, were £3,934 sterling, more. The number of vessels cleared at Quebec was 532, of 116,687 tons, of which 37 had that year been built at Quebec, amounting to 12,688 tons.

Preparations for war on the side of Canada certainly were slight. All the regular troops in the country amounted only to a few hundreds; while the scanty population of Upper Canada could scarcely be expected to afford much help. On Lower Canada the chief dependence had to be placed. From its geographical situation, that province would also be the main base of military operations.

The forces in Canada consisted of 445 artillery, 3,783 regulars, 1,226 fencibles, in all 5,454 men.

The whole number of militia then armed and in any way instructed did not exceed 300 men.

As regards facility of communication with England and the rest of Europe, Canada was on about the same footing as England had been to Rome some two thousand years earlier. The mail between Quebec, Halifax

and New York was only monthly, and even so was subject to irregularity. The mail from England took two months to reach Halifax.

The total population of the two provinces did not exceed 430,000 souls, while that of the United States numbered fully 8,000,000. The fortune of war, however, is not always on the side of large figures; the issue may be governed by some totally different circumstances or conditions. The confidence of the Americans was unbounded. Their secretary of war, Dr. Eustis, boasted in public speeches and official papers that "We can take the Canadas without soldiers. We have only to send officers into the provinces, and the people disaffected toward their own government will rally round the standard." Mr. Henry Clay said in Congress: "It is absurd to suppose we shall not succeed. We have the Canadas as much under our command as Great Britain has the ocean, and the way to conquer on the seas is to drive her from the land. I am not for stopping at Quebec, or anywhere else, but I would take the whole continent from them and ask no favours. God has given us the power and the means; we are to blame if we do not use them." Thomas Jefferson, in the spring of 1812, wrote that "the acquisition of Canada this year, as far as the neighbourhood of Quebec, will be a mere matter of marching, and will give us experience for the attack of Halifax, and the final expulsion of England from the American continent."

It is due to the wisdom of the Duke of Kent, father of the late Queen Victoria, that we were able in 1812 to provide the militia with a certain number of trained officers of Canadian origin. As early as 1792, His Royal Highness had managed to procure several commissions in the Imperial service for young Canadians of military tastes, and these, after having gone round the world with the British army, were now recalled to Canada in the hour of danger. Mention must also be made of the non-commissioned officers and soldiers, born in the province, and drilled in the regular regiments in which they had enlisted, who made themselves very useful as instructors to the militia. If we took further into account the British officers then serving in the country, it is clear that the rank and file of our forces did not lack the means of becoming familiar with military exercise and tactics; on the contrary, they had such means in abundance. The case

was altogether different with the Americans who were miserably deficient in officers and instructors. Their troops, therefore, could not be brought quick enough to a condition of efficiency, whereas on our side every man soon became a real soldier. In the matter of equipment all, on their side, at the outset, was unpreparedness, while their experience in the way of manufacturing what they required was very limited. In Canada the conditions were different; the stores of the British army supplied all our needs at a moment's notice and for a series of months. After one season of hostilities the Americans perceived that they could not rush matters as they had expected; their operations consequently flagged, and the time lost was never regained, because the affairs of Napoleon in Europe were turning out badly, and upon him they were mainly depending to keep Great Britain on the strain.

The establishment of the militia was as follows: Lieut.-Colonel François Vassal de Monviel, adjutant-general; Captain Louis B. Pinguet, assist. adjutant-general; Lieut.-Colonel Ls. Joseph Fleury Deschambault, quartermaster-general; Lieut.-Colonel Charles de Léry, deputy quartermaster-general; Lieut.-Colonel Charles Frémont, assist. quartermaster-general; Captain James Milnes, dep.-assist. quartermaster-general; Captain Louis Charland, ditto; Lieutenant William Berkzy, clerk in the office of the quartermaster-general; Lieutenant John Stewart, deputy paymaster-general; Captain Louis Lévesque, judge advocate; Captain P. A. de Gaspé, judge advocate; François Blanchet, superintendent of military hospitals; Lieut.-Colonel P. de Boucherville, A.D.C.; Lieut.-Colonel M. H. Perceval, A.D.C.; Lieut.-Colonel E. B. Brenton, A.D.C.

Lieut.-Colonels of the militia: Charles de Salaberry, Olivier Perrault; Captains: Edward Bowen, Louvigny de Montigny; Lieutenant and Adjutant: William Andrews.

Incorporated militia: 1st battalion: Lieut.-Colonel, J. P. T. Taschereau; Majors: Pierre Laforce, J. William Woolsey; 2nd battalion: Lieut.-Colonel, P. J. Malhiot; Major, Louis-Joseph de Beaujeu; 3rd battalion: Lieut.-Colonel, James Cuthbert; Majors: C. S. de Bleury, François Boucher; 4th battalion: Lieut.-Colonel, Jacques Voyer; Major, Louis Dunière; 5th battalion: Lieut.-Colonel, Patrick Murray; Major, Louis Guy.

Voyageurs Corps: Lieut.-Colonel, William McGillivray; Majors: Angus Shaw, Archibald N. McLeod.

Also four companies (volunteers) of the 1st battalion of Montreal, Quebec cavalry, Montreal cavalry, corps of guides, five companies of chasseurs.

The stationary militia of the district of Quebec formed fifteen divisions; that of the district of Montreal twenty-one divisions; that of the district of Three Rivers six divisions. The townships had six battalions.

Executive council: Reverend Jacob Mountain, Lord Bishop of Quebec; Thomas Dunn, P. R. de St. Ours, François Baby, James McGill, Chief Justice Monck, P. A. de Bonne, John Young, Jenkin Williams, John Craigie, John Richardson, James Irvine, A. L. J. Duchesnay, James Kerr, Ross Cuthbert, M. H. Perceval, John Mure, Olivier Perrault. By the month of April, 1812, the councillors styled as anti-Canadians had assumed a quiet line of conduct inspired by the actions of the governor and the enthusiastic loyalty of the population. They felt that the future depended entirely upon the good will of the House of Assembly.

The soil of Lower Canada, well adapted to the cultivation of wheat, flax, hemp, etc., supported a rather extensive exportation of those products. Coal-tar and masts were also in great demand. Ships continued to be built on the St. Lawrence and sold to England. In those golden days—as they were called—all lines of business were brisk in Canada. The British navy escorted our ships to England, and Nelson, who kept the way clear on the ocean, was immensely popular in the province.

The only cloud in this bright sky was the possibility that the conflict between the regime of Downing Street and the natural tendency of the colony towards self-government might be renewed. It was Canada's ambition and purpose to escape from the bonds of a Crown colony, and the sentiment of the country on this question was strongly reflected and expressed in the debates of the assembly. The political situation had indeed become critical. The antagonism between certain public functionaries and the representatives of the people had reached an acute stage. Sir James Craig had inflamed public feeling by unnecessary acts of rigour, so that, on the very eve of war the country was exasperated against its own govern-

ment. Very fortunately he left in time for a change to take place before the hour of peril.

The younger generation of that day had, of course, no reminiscence of the war of the conquest, and hardly knew anything about the events of 1775, but they were ready to shoulder their guns, as their forefathers had done, for the defence of the country. The democratic spirit so much deplored by Sir Robert Milnes, had not perverted the Canadians to the extent where they could join with the Americans.

If, in some respect, the Act of 1791 can be regarded as a nominal separation of the British and French elements, it happily turned out that the separation was merely in the form of government, as amply demonstrated by the unanimity with which both races joined to repel the American invasion.

Certain information having been received at Quebec, the governor ordered, 28th May, 1812, that four battalions of the militia be incorporated, which was done at a moment's notice. Those enlisted on this occasion were unmarried men between the age of eighteen and twenty-five, making part of the two thousand he was authorized to call, according to the bill of last session. Charles-Michel d'Irumberry de Salaberry, a native of Beauport near Quebec, an officer in the British army, got instructions to organize a corps of *Voltigeurs*, which was done in two days. They did remarkably well during the war and their name is always associated with that of de Salaberry.

The idea of protecting home industries had spread in the New England States for many years, and the result had been the enacting of a tariff against English goods. It soon became evident, however, that a large illicit trade was being carried on across the extensive and almost wholly unguarded Canadian border. Vessels from Great Britain entering the St. Lawrence delivered their cargoes in due form, but afterwards the merchandize was apt to be conveyed clandestinely to the other side of the line, to the serious injury of American manufacturing interests. Mention is made of a certain smuggler who justified his operations by saying that he had "declared war against the United States."

The greatest concentration of American manufacturing enterprises

was in Massachusetts, and it was there consequently that the spirit of retaliation first found expression. The people of that state shrewdly calculated, moreover, that in case of war they would have the furnishing of the larger part of the equipment required by the troops. The Canadians, of course, as intermediaries in the contraband trade, came in for their due proportion of American ill-will.

In December, 1807, the Jefferson's Embargo Act forbade any vessel to leave an American port, but in March, 1809, this Act was repealed and the Non-Intercourse bill passed, forbidding Americans to trade with Great Britain or France. The Washington cabinet wished to show that they intended to keep neutral between the two powers in the field.

The dispute respecting the "right of search," which had occupied diplomacy for some years, was eventually made the pretext for war. Deserters from the British navy were in the habit of joining American vessels, and, according to international law at the time, the English had the right of stopping foreign vessels on the high seas and searching them for such men. This no doubt was annoying and the ill-will existing in the United States against England converted it into a grievance of the first magnitude. The history of these difficulties is a long and complicated one and may be studied in many well-known works.

There is no doubt that the Americans had closely followed the events of the Craig administration and that they believed every grievance then experienced by the Canadians was a point in favour of the United States.

Sir James had sent (1808) a secret agent to the United States for information as to their resources and condition of readiness for war; but when the bill of cost came to be submitted, the Imperial government refused to pay it, whereupon John Henry, the agent, sold the papers to the United States, which did not improve the *bonne entente* on either side.

Considering the state of political feeling in Canada, it was a question what view the French population would take in case of war. Would they support the British flag? The calculation of the Americans was that at most they would prefer to remain neutral; yet, when the declaration of war reached Quebec, the legislative assembly voted subsidies in excess of what was asked of them, and that promptly and unanimously. The Ameri-

cans proceeded, nevertheless, to form a plan for the occupation of the province, under the conviction that, if they succeeded in this, the upper province would fall into their hands as a matter of course.

It may be news to some readers that Napoleon was associated with the Americans in this matter, and that without the hopes reposed in him the war would never have taken place. This must now be explained, and we shall see further that the war in Canada came to an end because of his defeat.

After the decree of 1806 the whole of Europe was practically closed to British trade, and it became a matter of surprise to find that England nevertheless continued to receive her supplies much as usual. It was some time before it could be recognized that the source of supply was Canada. France, indeed, hardly realized that a colony, which in her hands had been, commercially speaking, so insignificant, should now be playing so important a part in a great crisis. When the fact forced itself on general attention the French Emperor had his plans made for a campaign against Russia, and that was more than sufficient to absorb all his resources, but he knew the deposition of the American people towards England, also their state of mind in regard to Canada, a British possession, promising to be a rival of the United States later on. He was already prepared to give the British troops as much to do in Europe—England being allied with Russia—that he at once conceived the impossibility for his enemy to protect Canada, and it was believed that the defence of that colony alone against an American attack was out of question. The Washington cabinet fell in with the scheme, as if coming from Providence direct. The declaration of war against Russia was signed by Napoleon on the 18th June, 1812, and the same day President Madison signed a similar document addressed to the British government. The news reached Quebec on the 24th.

The force at the disposal of General Prevost was so small that it was out of his power to assume the offensive. He therefore simply awaited attack. Some information must have reached him after a while, to the effect that the enemy had no army in readiness, as we know that it took months to organize one and to render it in small measure effective. That

explains probably the bold step taken by General Brock in marching to Detroit, which he captured and made General Hull prisoner.

General Brock wrote on the 26th June to Captain Roberts, who held a post to the north-west of Michillimakinac, informing him of the declaration of war. On the 8th July Roberts and Toussaint Pothier formed a corps of voyageurs of the North-West Company, and nine days later, with 33 Royal Veterans and 169 voyageurs they took Michillimakinac.

In Lower Canada a line of military posts was established along the frontier from Yamaska to St. Regis, composed of the 41st, 84th, 100th regiments and the Fencibles. During the summer the 103rd and one battalion of the 1st Royal Scots arrived and followed the others to the front. Montreal and Quebec were guarded by the militia.

On the 3rd of July all Americans were ordered to leave Canada. That same day, Lieutenant Charles-Frederic Rolette, a Canadian, who had seen service under Nelson, took the *Cayahoga Packet* on Lake Erie, "the most valuable papers of General Hull," with his plan of campaign. On the 12th General Hull, with 2,500 Americans, crossed from Detroit to Sandwich; on the 15th Colonel Lewis Cass vainly tried to pass Rivière aux Canards below Sandwich; on the 19th he repeated the attempt, and on the 24th met with still another failure. On the 5th of August, Brock left York (Toronto) for Fort George; on the 8th Hull retired to Detroit; on the 13th Brock reached Amherstburg; on the 14th Tecumseh met Brock at that place; on the 16th Hull surrendered Detroit.

The house of assembly sat for the second time this year from the 16th of July to the 1st of August and expedited the business in a most patriotic manner. The public coffers were drained, and the governor resolved to issue army bills payable either in cash, or in government bills of exchange on London, but the concurrence of the legislature was necessary. Therefore a bill to facilitate the circulation of that paper was introduced, and the liberality of the assembly surpassed the hopes of the executive. £15,000 annually for five years were granted to pay the interest that might become due upon army bills, of which £250,000 were authorized to be put in circulation. They were made current in the revenue, and to have the effect of

legal tender. To defray the expense of the army bill office a further sum of £2,500 per annum was granted.*

Throughout the season of 1812, 399 vessels, containing 86,436 tons and employing 4,054 seamen, cleared from Quebec. Of these vessels 21 were built that year in this city, aggregating 5,898 tons. The revenue mounted to £61,193 currency. The expenses of the civil government to £98,777 sterling, including upwards of £55,000 for the militia forces, and £3,424 due to Upper Canada as its proportion of the revenue. The expenses of the legislature were £3,644 currency, besides the above.

In September a battalion of Chasseurs was raised at Montreal; also a corps of Voyageurs among men of the North-West Company. Gananoque, in Upper Canada, was raided by the Americans. In reply to that, the British attacked Ogdensburg, but without success. On the 9th of October, two American vessels were taken near Detroit.

"On the 13th of October, 1812, General Van Rensselaer, before day-break, sent 600 men across the Niagara River to Queenston. Captain Denis with a few men tried in vain to prevent their landing. After the Americans were heavily reinforced, General Brock came up from Fort George, and while charging up Queenston Heights was shot, and also Lieut.-Colonel McDonell. In the afternoon General Roger H. Sheaffe drove some of the Americans over the Heights, and took the rest, 900 men, prisoners."†

By this time the advance of Napoleon on his way to Moscow looked like a triumphal march; nothing had yet thrown any doubt on the final success of that campaign.

The American army of Detroit having been beaten and dispersed and that of the centre repulsed; the third one made a raid on St. Regis but retired before the advance of the Voyageurs.

General Dearborn, with nearly 2,000 men, attacked Odelltown, near Lacolle, but Major de Salaberry drove him back to Champlain, Nov. 20th. On the 22nd all the militia was called to arms. Two days afterwards the regulars captured a post at Salmon River close to St. Regis. The militia returned home on the 27th.

*Christie: *History of Lower Canada*, II., 15.

†James P. Taylor: *Facts of Canadian History*, p. 94.

News from Europe showed that the French army had fallen into a trap and was not likely to return from Russia without meeting with great disasters.

The assembly met for the third time this year, on the 29th December, and promptly renewed the Army Bill Act, which authorized the circulation of £500,000; a grant of £15,000 was made to equip the militia; £1,000 to provide hospitals, and £25,000 for general purposes of defence.

A duty of two and a half per cent. upon all merchandise, provisions excepted, imported into the province, and two and a half per cent. additional upon merchandise imported into the province by persons not actually resident therein six months previous to such importation, was imposed for the support of the war.

A motion was put before the House by Mr. Lee to inquire into the expediency of preventing the judges of the Court of King's Bench from voting in the legislative council of the province—a step which followed naturally the expulsion of the judges from the legislative assembly. After some debate the matter was postponed.

During this session Mr. James Stuart attacked the government because of his dismissal by Sir James Craig, from the solicitor generalship. The *Mercury* criticised his new attitude in terms certainly severe, but not deserving the definition of “a false and scandalous libel and manifest breach of the privileges of the house of assembly,” as expressed in a motion of Mr. Lee. It was ordered that the editor, Mr. Cary, be taken into the custody of the sergeant-at-arms, whom, however, he evaded, and, after the session (16th February) he wrote an article explaining that he had been absent, “but cannot understand in what manner his presence could have been useful in assisting the members of the House in their vocation of framing laws.”

In January, 1813, Colonel Proctor, with 500 soldiers and 800 Indians, under Roundhead, defeated General Winchester at Frenchtown, Detroit frontier, and made him and 495 of his men prisoners. On the 6th February, Captain Forsyth crossed the St. Lawrence from Ogdensburg to Brockville and carried off 52 prisoners. On the 22nd of the same month, Major George Macdonell, with 480 men, crossed from Prescott to Ogdensburg, and,

after a sharp fight, took the place, which was defended by Forsyth. The same day Sir George Prevost left Quebec to visit Upper Canada.

The 104th regiment, New Brunswick regulars, marched from Fredericton to Quebec through the snow-covered wilderness (March).

Captains Barclay, Pring and Finnis, with five lieutenants of the Royal navy, arrived over land from Halifax, with some seamen and went immediately to Kingston.

On the 27th April, 1813, the Americans took York (Toronto) and burnt it, but their general, Pike, was killed by an accidental explosion. General Sheaffe was succeeded by General de Rottenburg in the command of Upper Canada (19th June).

On the 1st of May, Proctor attacked Fort Meigs, but failed to take the place. Sir James Yeo, with 450 seamen, arrived at Quebec, 5th May and took charge of the naval operations on Lakes Ontario and Erie. Fort George was captured by the Americans on May 27th. On the 29th Governor Prevost and Sir James Yeo assaulted Sackett's Harbour, but as Prevost checked an assured success by an order to retreat the expedition was a disgraceful failure.

On the 3rd of June the Americans attempted to occupy Isle aux Noix in the Richelieu River, but without success.

The Americans were defeated (5th June) at Stoney Creek and two of their generals—Winder and Chandler—captured. There was a naval engagement in the Bay of Burlington (7th June) where both fleets withdrew.

On the 10th of June the Watteville regiment arrived at Quebec. The capture of Colonel Boerstler and his men at Beaver Dam (24th June) was followed (4th July) by the taking of Fort Schlosser and the burning of Black Rock (11th July) by our troops. On the 20th the Americans captured a convoy near Gananoque; the main depot of provisions for the upper province was transferred to Lachine.

Colonel Murray took Plattsburg (31st July) and Captains Everard and Pring destroyed four American vessels outside of Burlington, Vermont.

The movements of the Americans during the summer of 1813 were very slack, as the situation of the French Emperor continued to be precarious, but as soon as it became known that he had won three or four battles in

Germany, they advanced in force on Upper and Lower Canada—early in the autumn of the same year.

The naval battle at Put-in-Bay, Lake Erie, 9th September, was a victory for the American flag.

On the 26th September Proctor left Sandwich beginning his retreat by River Thames, but followed by General Harrison he was defeated at Moravian Town and retired to Burlington Bay, on the 5th October. Never, during the whole of that war had the Americans displayed so large a force or arranged better plans. The news from Germany was to the effect that Napoleon had recovered his military power and that Great Britain was too deeply engaged in the conflict to assist Canada.

Massachusetts contributed in the second campaign more recruits than any other single state, and New England more than all the combined Southern States.

The campaign, towards the autumn, assumed a more systematic and menacing character on the frontier of Lower Canada. Two armies, under Wilkinson and Hampton, were in readiness at Sackett's Harbour and Lake Champlain to march, one by the St. Lawrence and the other by River Chateauguay, so as to effect their junction at Isle Perrot and enter Montreal, an open town without a garrison. The first of them which moved forward was met on the Châteauguay by de Salaberry.

James Wilkinson, born in 1757, had been at the siege of Quebec in 1775 under Arnold. He continued to serve as aide-de-camp to General Horatio Gates, and was voted a pair of spurs and a riding-whip for his slowness in transmitting important messages!

Wade Hampton was born about 1753 and served during the War of Independence. In 1784 his standing made him a politician of some importance. In 1809 he was a brigadier at New Orleans; then, in 1812, he was made a major-general and directed to take command of the army organized by Izard. His wealth, his conceit, his drinking habits and his hatred of Wilkinson must be taken into account when judging the Châteauguay campaign.

General Hampton, with 5,000 men, entered Lower Canada on the 20th of September. The whole of the militia turned out immediately, but

before their arrival, Odelltown was captured. Then he marched in the direction of Isle-aux-Noix, but was stopped by Captain Joseph Mailloux with a handful of militiamen and Indians. One of the American regiments was composed of negroes who became "white with terror" when they saw the Abenakis. A company of the 4th battalion of militia under Captain Joseph-François Perrault reinforced Mailloux and was followed by Salaberry with 150 men. On the 22nd Hampton retired beyond the frontier, with his 4,053 regulars, 1,500 militiamen and 10 cannons. On the 26th he came back through another road, but was opposed by de Salaberry with a loss of 100 men. For a month he was unable to do more than follow up the detachment which de Salaberry kept on his front constantly skirmishing, attacking and often stopping his advance. It was only on the 21st of October that he reached Dewittville and took a very much needed rest with his troops. That day, Wilkinson made a demonstration against Kingston, but without effect.

Governor Prevost, who was at Kingston, ordered Major George Macdonell with his new corps of 600 Fencibles, nearly all Canadians, to go down and wait for him at Ste. Martine on River Châteauguay.

Salaberry arrived on the 22nd at a place which he considered most defensible and set at work felling trees to protect his entrenchments. Three days later he received news of the naval affair of Put-in-Bay and the defeat of Proctor on the Thames. All Upper Canada, except Kingston, was in the hands of the enemy. The cast of the last die rested with him and his little band of followers. Prevost, Watteville and Macdonell, with his 600 men were at La Fourche on the 25th. Prevost refused to let the Fencibles go any further. Macdonell, in a state of rage, started alone and joined de Salaberry.

The English River falls into the Châteauguay seven miles below the Bryson* Creek where de Salaberry was preparing to fight. At the junction (La Fourche) or fork of the two streams, Sir George Prevost and Major-General de Watteville had their headquarters.

That same day, Hampton moved forward and sent 1,500 men under Purdy to cross the Châteauguay River and gain a ford little below de

*Mr. Bryson settled there in 1818.

Salaberry's camp, in the hope of turning his position. At twilight, Prevost and Watteville inspected the works of de Salaberry and went back saying there was no appearance of immediate danger, therefore, that no reinforcements were necessary.

By 10 o'clock next morning Hampton was in front, attacking the *abatis*. Purdy soon arrived in the vicinity of the ford. From that moment, till after 4 o'clock in the evening the attacks succeeded one another on the front of de Salaberry, on his right, and on his left, near the ford. Every particular of that famous day is now on record,* but for want of space we cannot insert them here.

It was 5 o'clock when the Americans withdrew from the ground and night was coming on. De Salaberry prepared for the pursuit, but Prevost and Watteville arrived unexpectedly and countermanded the order, as they believed the enemy would return with reinforcements the next day. De Salaberry declared in plain terms that they were retreating for good.

That retreat was disastrous and would have been total destruction had the pursuit taken place. Hampton's force of infantry was certainly 7,000 strong, besides 200 or 250 cavalry and 10 or 12 field pieces. He lost 500 men. On the side of the Canadians 5 men were killed, 14 wounded, 4 were missing—and 2 officers wounded.

A remark from the pen of Kingsford deserves to be noted here: After Sackett's Harbour, Prevost seeing that he had made a blunder by stopping the troops at the very minute of victory, caused his adjutant-general to write him a letter on that subject, which he merely transmitted to the Imperial authorities without comment, as a matter of no special importance. After Châteauguay, seeing that he had made another mistake, but a somewhat different kind, he wrote the official report himself, taking care to state that the affair was an advantage won by some of his "advance picquets" in the bush. And that was all. The real facts concerning Châteauguay were brought to the knowledge of the War Office four years later by Lieut.-Colonel George Macdonell—then de Salaberry was made a C.B., an honour also conferred on Macdonell for the taking of Ogdensburg.

Apart from the fact that 300 men fought at Thermopylae and at

*Sulte: *La Bataille de Châteauguay*, 1899, p. 123.

Châteauguay, the comparison cannot be maintained—though often attempted by the fête-day orator or poet. The Greeks of Leonidas were killed to the last man and their defeat opened the country to the Persians, whilst the Canadians won the battle at a ridiculously small cost of killed and wounded with the result that the province was saved from the invasion.

The 300 men may be roughly represented as 140 Voltigeurs, 80 Chasseurs and 72 Fencibles—total 292—but those actually engaged under fire were as follows:—

| | |
|------------------------|-----|
| Voltigeurs. | 140 |
| Chasseurs. | 80 |
| Fencibles. | 72 |
| Company Daly | 50 |
| Indians. | 22 |

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First line, 240 men. We may calculate that 100 or 120 men assisted that line as a flying corps. The reserve was about 125 militiamen and the same number of Indians. These figures are as high as they can possibly be put. The second reserve of 600 Fencibles was kept at Ste. Martine by Prevost and Watteville.

“With the exception of Macdonell, Ferguson and three or four others, there was not a person of British blood in the field,” says the historian Kingsford.

Here are the names of the officers who bore the brunt of the action at Châteauguay: De Salaberry, Michel O’Sullivan, Jean-B. Juchereau-Duchesnay, M. L. Juchereau-Duchesnay, G. R. Ferguson, J. M. Longtin, Charles Daly, Philippe Panet, G. M. La Mothe, J.-B. Bruyère, B. Schiller, B. Lécuyer, W. D. Johnson, P. D. Debartzch, L. Levesque, J. Hebden, Louis Guy, Charles Pinguet, George Macdonell.

General Wilkinson remembered on the 3rd of November that he was bound to go and meet Hampton near the mouth of the Châteauguay River in order to fall on Montréal and take the place, which had no defences and hardly any garrison. Seeing him on the march for that purpose, General

de Rottenburg, in command at Kingston, detached some companies of the 49th regiment under Lieut.-Colonel Charles Plenderleath and as many from the 89th under Lieut.-Colonel Joseph Warton Morrison, with a few of de Salaberry's Voltigeurs, to follow the Americans. Lieut.-Colonel Thomas Pearson, advised of this movement, left Prescott with the flank companies of the 49th, a number of Canadian Fencibles, a few Voltigeurs, a battery of artillery (militia), some dragoons (militia) and a band of Indians. He joined the two other corps, the whole being about 800 strong—but Wilkinson marched with 10,000 men, and was three miles below Ogdensburg on the 6th when he embarked on the St. Lawrence, and the next day landed his troops on the Canadian side of that river. Morrison was close behind him, and on the 9th he captured a military depot in the woods. On the 10th the American rear-guard passed Chrysler's Farm with the British on their heels. General Boyd selected a favourable spot on the 11th and wheeled backward offering battle. It was a sharp contest, cleverly conducted and lasted four hours. The Americans were double the number and lost a quarter of their force; so did the British. When night came, Boyd abandoned the fight to retire on the main army. On the 12th Wilkinson had the whole of his forces at Cornwall. What would have been the result if Hampton at that moment could have arrived at the rendezvous? Surely the capture of Montreal—but somebody had done away with Hampton.

Then to Cornwall came the certain news of the defeat of the 26th October. This incredible information paralyzed the enemy. So incredible in reality that Prevost and Watteville could not believe it at the time. So incredible that Hampton was stunned by it on the other side of the line. By the first quick movement of his life, Wilkinson crossed the St. Lawrence at St. Regis and re-entered the United States. The militia of the province were sent home on the 17th November.

Major-General de Rottenburg was relieved of the command of Upper Canada, early in December, by Lieut.-General Drummond, who proceeded from Kingston to York (Toronto) and thence to River Niagara. General McClure burnt Newark, abandoned Fort George (12th December) and retired to the United States. Six days later Fort Niagara fell into the

power of the British, who advanced into the country and occupied several small places to the great consternation of the enemy.

By this time news from Germany was not favourable to Napoleon. His famous defeat at Leipsic (19th of October) made the outlook somewhat gloomy for the Americans, and during the winter of 1813-1814 their operations were at a standstill. At the opening of Parliament in Paris, 19th December, 1813, Napoleon said that "the American Republic continued with success the war against Great Britain." This was probably an allusion to the battle of Moravian Town (5th of October) by which Upper Canada was considered lost to the British.

The legislature sat at Quebec from the 13th of January till the 17th of March, 1814. The authorized issue of army bills for £500,000 was extended to £1,500,000. Debates took place respecting the militia law, without effecting any change in it. A bill to disqualify the judges from being summoned to the legislative council passed the lower House, but was rejected by the council. As in the preceding session, the council refused to consider a bill to grant His Majesty a duty on the income arising from civil offices, and pensions, to be applied for the defence of the province. Another proposition concerning the appointment of an agent in Great Britain was also laid aside by the council. A vote of thanks to Lieut.-Colonels de Salaberry and Morrison passed unanimously. The "rules of practice" of the courts of justice were examined under a motion of Mr. James Stuart, and this constituted a censure of Chief Justice Jonathan Sewell, and other judges, all supposed to exercise partiality in the discharge of their functions. There was a touch of the old affair of *Le Canadien* in the subject. It was a very serious debate, which lasted a long time. Things went so far that the governor proposed to refer the case to the Imperial authorities, and Mr. Sewell left for England to meet the charges in question.

The general elections for the eighth (8th) Parliament took place in April, 1814, and the returns gave 36 Canadians, 14 English-speaking members. Mr. Ryland wrote on the 12th May next: "Immediately after the prorogation of the legislature (17th March) the most respectable English members publicly declared their determination not to offer themselves as candidates at the ensuing elections. That election is now over and the returns

are precisely such as we expected under the impression produced throughout the province by the proceedings of the late assembly. . . . Still, however, the country is not lost. It is not yet in a state of insurrection against His Majesty's government; it may still be preserved to the Crown without having recourse to the bayonet. But the remedy must be immediate."

No, the country was not lost, but Mr. Ryland and his friends had done everything in the world to prevent it from remaining faithful to Great Britain. No, the Canadians were not against His Majesty's government, but they wished to get rid of the "family compact," so called at the time. Besides, what is the meaning of the retirement of ten English-speaking members of the preceding Parliament, since ten others were elected in 1814, as shown by the tabular statement published in this chapter? No change apparently—unless that the new English-speaking members were more inclined to follow the policy of the Canadian than the ten who had retired. This is what Mr. Ryland calls, "what we expected," with a grin of disgust.

The revenues for 1813 were £99,602 currency; the expenses £183,033 sterling, including £121,366 on account of militia service. Vessels cleared from Quebec were 198, with a tonnage of 46,514, and employing 2,230 men. Eight of these vessels were built in Quebec, tonnage, 2,658.

"The most active exertions were made during the winter 1813-14 to be prepared for the ensuing campaign. Stores of all descriptions were forwarded to Kingston, from Quebec and Montreal, on sleighs, at prodigious expense. The second battalion of the 8th regiment marched through the woods from Fredericton to the St. Lawrence, in the month of February. A reinforcement of 220 seamen for the lakes came by the same road."*

The strength of the six battalions of embodied militia amounted to 3,893 men, exclusive of the Voltigeurs, the Fencibles, the Frontier Light Infantry, and other militia and provincial corps.

"A movement of the American forces in the neighbourhood of Lake Champlain, towards the end of March, gave room to expect an invasion of the district of Montreal. Brigadier-General Macomb, with a division of the

*Christie: *History of Lower Canada*, II., 178.

American forces from Plattsburg, crossed Lake Champlain upon the ice and entered St. Armand, where he remained some days without molestation, while General Wilkinson prepared for an attack upon the outposts of Odelltown, and the Lacolle Mill, a stone building which had been converted into a blockhouse. On the morning of the 13th March (General Macomb having suddenly withdrawn from St. Armand and rejoined the main body) the American forces, consisting of 5,000 men, commanded by General Wilkinson in person, entered Odelltown. Major Handcock, commanding the blockhouse, received intelligence at 8 o'clock in the morning, of the approach of the enemy, and immediately sent off a despatch to the Isle-aux-Noix for a reinforcement, from whence a picquet of the 13th regiment, under the command of Captain Blake, was despatched to his aid. The enemy halted for a short time at the village, and then made a demonstration upon Burtonville with a part of their force. Their advance in that direction was checked by part of the Grenadiers of the Canadian Fencibles, under Captain Cartwright, and a few of the frontier light infantry, under Captain Barker. At 1 o'clock the enemy was seen deploying in the neighbouring wood, with the intention of surrounding the blockhouse; a fusilade was immediately commenced which they did not return for some time, but appeared determined to carry the place by assault, as they advanced cheering. The heavy fire obliged them to relinquish their plan and retreat to the wood, where they were completely sheltered. A twelve pounder was brought to bear upon the building, but, so badly served that during a cannonade of two hours and a half, only four shots struck it. The gun being within the range of musketry the artillerymen suffered severely, and in fact were unable to take aim with any degree of precision. The flank companies of the 13th regiment were ordered to charge the enemy in front. They advanced as far as the wood in line, but the difficulty of marching through the snow against a galling fire in front, compelled them to retire to the blockhouse. The Grenadiers of the Canadian Fencibles, and a company of the Voyageurs, just now arriving from Burtonville, Major Handcock ordered them to support the flank companies of the 13th regiment in a second charge, to which they advanced in column of section. The Americans had now concentrated their whole force close to the gun, but did not

attempt to fire until the British had advanced to within twenty-five yards of their centre and were completely flanked on both sides. The first discharge of musketry, from the enemy, was so effectually destructive that these companies were entirely broken and compelled to retreat in disorder. All attempts to rally them were ineffectual and they were recalled by bugle to the blockhouse. The gun was spiked by the enemy during the first charge. The Americans exhausted with cold and fatigue, finding it impossible to carry the place without heavy artillery, which, from the state of the roads, could not be brought forward, withdrew in good order from the contest at 5 o'clock in the afternoon, without being pursued in the retreat. The force in the mill, when attacked was 160 men. The reinforcements which arrived during the action, amounted to about 200 men. The British loss was 10 men killed and 4 missing, and 2 officers and 44 men wounded. It is said the Americans lost 13 killed, 30 missing and 123 wounded. Having failed in the attempt to carry a blockhouse scarcely deserving the appellation of a military post, the enemy fell back upon Champlain town, from whence they soon retired to Plattsburg."*

The campaign of 1814 consisted principally of a series of skirmishes, raids, captures of small posts on Lakes Ontario and Erie, and the Niagara district. The battle of Lundy's Lane, 25th July, was a more serious affair, where the British kept their ground. Altogether, the advantage remained on their side from the spring to the fall of that year.

The arrival at Quebec—in July-August—of 16,000 men of the Duke of Wellington's army, sent from France by way of Bordeaux, after the abdication of Napoleon, set aside all future danger, still the hostilities continued in Upper Canada.

The governor determined to gain some laurels for himself by invading the State of New York, and he directed an expedition against Plattsburg, which failed miserably because of his own mismanagement.

The troops and embodied militia were sent into winter quarters on the 10th of December.

The house of assembly met on the 21st January, 1815, and closed on the 25th March. Mr. J. A. Panet having been called up to the legislative coun-

*Christie: *History of Lower Canada*, II. 181.

cil, Louis-Joseph Papineau was elected speaker of the assembly. The Militia Act was revised and amended by admitting substitutes. A grant of new duties upon tea, strong spirits, and goods sold at auction, was made to His Majesty, to supply the expenses of the province. One thousand pounds were granted for the encouragement of vaccine inoculation. Upwards of eight thousand pounds were appropriated for the improvement of the internal communications of the province. A further sum of twenty-five thousand pounds was granted for the purpose of opening a canal from Montreal to Lachine. A bill was also introduced to allow a salary of one thousand pounds currency to the speaker of the house of assembly, and the same for the speaker of the legislative council, but this provision, for reasons unknown, was not carried out. A renewed attempt was made to appoint an agent in London, but this matter was left over for the consideration of the governor. Some debates took place relative to the English civil laws, the re-instalment of Louis XVIII. on the throne of France, and on this occasion there was a manifest change in the temper of Canadians with regard to Napoleon. Before the fallen enemy harshness disappeared, whilst the English-speaking press was more severe than ever against him.

The House was still sitting when the treaty of peace (signed at Ghent on the 24th December, 1814) between Great Britain and the United States was officially announced to them, on the 1st of March, by a message from the governor.

The boundaries of Canada remained undisturbed.

The reader can now see how closely this war was linked with what was going on in Europe, and judging by the attitude of the Americans after the arrival of reinforcements at Quebec in 1814, it is reasonable to conclude that no hostilities would have been attempted in 1812 on the Canadian frontier if England had been free from war in Europe.

It is quite true that if war had been declared when England's hands were free and without any regard to the success of Napoleon, the Americans would probably have thrown a much larger army than they did across the border, but in that event the British army would have been available for the protection of our country.

After the proclamation of peace the United States immediately repealed the Non-Intercourse and Non-Importation Acts.

The entire amount of army bills (issued by Canada) outstanding in March, 1815, was £1,249,996.

The embodied militia were disbanded and the legislature granted 80 days' pay to the officers. The Voltigeurs received 25 days' full pay; "the officers to continue to receive pay until further orders, but no allowances." The Frontier Light Infantry, the same gratuity as the Voltigeurs. The Voltigeurs were paid to the 24th March. An annuity of £6 was granted to such Voltigeurs and militiamen as had been rendered incapable of earning a livelihood. A small gratuity was also made to the widows and children of those who had been killed during the war; and the assembly in an address to the Prince Regent, recommended that a grant of lands should be made to such Voltigeurs and militiamen as had served in defence of the province. The Prince Regent approved (1818) the granting of lands provided application was made before the 1st May, 1823. This delay was extended to the 1st May, 1824, then to the 1st August, 1830. By a proclamation of the 22nd February, 1837, it was announced that the applicants registered before the 1st August, 1830, would receive either land or scrip, and on the 1st August, 1838, Lord Durham appointed John Davidson and Tancred Bouthillier to act as commissioners in this matter. Registers and papers concerning these grants are in the Crown Lands Department, Quebec.

The assembly of 1815 voted the governor £5,000 sterling for the purchase of a service of plate. The legislative council refused to concur in this and so the vote was not carried into effect.

Of the Acts passed during the session there was one granting £500 to Joseph Bouchette to assist him in publishing his geographical and topographical maps of Canada.

Among the measures introduced this session was a bill for the appointment of commissioners to examine the accounts of the receiver-general, and for counting the cash in the treasury. That officer, Mr. Caldwell, presented a petition complaining of the insufficiency of his salary. This bill was presented by Mr. Lee, but fell through.

The same gentleman also made an attempt to carry a measure for the improvement of the roads in the vicinity of Quebec, by establishing turn-pikes, which, however, the farmers and population in the surrounding parishes being opposed to, did not succeed.

The revenue for 1814 amounted to £204,550 currency, and expenditure £162,125 sterling, including £111,451 on account of military services, and £5,474 to Upper Canada, for its proportion of duties. The expenses of the late general election came to £339, and those of the legislature, not included in the above, to £3,693 currency.

The number of vessels cleared from Quebec was 184, bearing 38,605 tons, including seven built there, in all employing 1,889 hands.

The English-speaking population had no sympathy for Sir George Prevost. The military detested him. He left for England on the 3rd April, and his successor, *per interim*, Sir George Drummond, arrived at Quebec the same day and assumed charge of the administration. Sir George died in England a few months later.

The most disastrous effects of the war were felt in the manufacturing states of New England, and there the peace party was loudly clamouring for the cessation of the fruitless struggle. Trade, navigation and commerce were ruined. The public treasury, whose revenue was mostly from customs duties until 1812 was empty, and a loan of twenty million dollars had to be raised.

“The Americans did not annex a single foot of Canadian territory. They did not gain a single permanent advantage. Their exposed seaboard was attacked at every point. Their capital was destroyed, their annual exports reduced from £22,000,000 to £1,500,000; three thousand of their vessels captured; two-thirds of their commercial men became insolvent. A vast war tax was incurred, and the very existence of the United States imperilled by the menaced secession of the New England States. The right of search and the right of neutrals, the ostensible, but not the real cause of the war, were not mentioned in the treaty of peace.”*

We must not forget that war causes many changes in the economy of a nation. In this case the United States learned how to provide for them-

*Dr. F. W. Campbell: *The War of 1812-1814*, p. 45.

selves in the way of manufactures, and the lesson was not lost. A similar effect was produced in Canada by the development of her natural resources consequent on demands which the war created.

CHAPTER XXIV.

Crown lands management—Waste lands in seigniories—Government officials—Army bills redeemed—Banking—Political situation, 1816—The two Papineaus—Sessions of 1817-1819—Death of George III., 1820—A speech of Louis-Joseph Papineau.

To portion out the lands amongst the militia, General Drummond, the administrator of the province (1815), was constrained to have recourse to the officials of a department in which enormous abuses existed. The lands were divided up between favourites. So much territory had been given away that Drummond informed the minister that there was no more room on the River St. Francis for the establishment of the immigrants and the discharged soldiers. Every one had pounced down upon that immense pasture ground. From 1793 to 1811, over three million acres had been granted to a couple of hundred privileged applicants. Some of them secured as much as sixty to eighty thousand acres—as, for example, Governor Milnes, who took nearly seventy thousand as his share. These people had no intention of ever improving the land by clearing it of the forest. As it cost them nothing, they purposed leaving the same in a wild state until such time as the development of the neighbourhood by colonization would increase the value of the whole.

Another vexatious land question arose out of the vast domains granted by the King of France to the so-called seigneurs which were intended, by the letter and spirit of the grants themselves, to be given to the settlers whenever they wished for them. Large tracts of these still remained unoccupied and the seigneurs had often expressed the desire to get them as their own property in free and common socage, whilst the country people maintained that they were to be kept *en seigneurie* according to the intention of the sovereign who first granted them. In 1816 a third or fourth attempt on the part of the seigneurs was made in that direction.

“The home authorities being asked for their opinion as to whether the provincial government could, of its own power, accept the surrender of

lands held *en seigneurie* for the purpose of regranting them in free and common socage . . . the answer was that there did not seem to be any objection to His Majesty's accepting a surrender of lands holden *en seigneurie* and regranting them in free and common socage, and hence that no special legislation on the point by either the home or the provincial Parliament would be necessary—but if commutation were to be made compulsory, appropriate legislation to this end must be obtained. . . . It seems that in 1794 Lord Dorchester had assured the colonial legislature that the proceeds of the *droit de quint*, which accrued to the Crown from the seigniories, should be used toward defraying the civil expense of the colony. The question which now presented itself was whether, in the event of permitting the seigniors voluntarily to obtain commutation, this right would not be lost, and whether, therefore, the Crown would not, by the use of its prerogative, have broken its pledge to the legislature. Since the permitting of voluntary commutation would reduce the revenues of the colony, ought not the consent of the colonial legislature to the proposed action to be asked? To this question the home government returned answer: that to take from the legislature this source of revenue without their assent, or without an equivalent, would be an infringement of what they might fairly consider a pledge or assurance on the part of the Crown. . . . One other question . . . is of interest. . . . By the provisions of the Constitutional Act of 1791, one-seventh of the ungranted lands of the colony were to be reserved for the support of the Protestant clergy. The point was now made that, if a seignior surrendered his lands to the Crown, he could receive back only six-sevenths of them in free and common socage; for, by the very fact of surrender, he would put his property in the category of ungranted lands, of which one-seventh must be reserved by the Crown."* The Trade Act of 1822 tried to settle that contestation, as we shall see later on.

The Chief Justice of the Court of King's Bench, James Monk, presided over the legislative council, in February, 1816, when he made known his intention to go to Montreal where the March assizes were to be held, but Sir Gordon Drummond informed him that his presence in the council was indispensable, and he consequently refrained from fulfilling his duty of

*W. B. Munro: *Seigniorial System in Canada*, p. 221.

judge to remain at his post as a legislator—which course, in a political debate which followed in the assembly, gave rise to complaints against him.

The army bills were all honourably discharged at this date. A newspaper made the remark that “they have enriched the country, not so much by the interest they paid, which, of itself, is no inconsiderable addition to its wealth, as by the high prices paid for its commodities, arising from the abundance of the circulating medium, the full nominal value of which could be relied on, equally with the precious metal; and which, for some time past, has even exceeded in value the precious metal from $2\frac{1}{2}$ to 5 per cent., by their ability to procure government bills of exchange, at a discount so much greater than gold and silver could effect it. Such was their superior value, notwithstanding some alarm arising from numerous American forgeries of our army bills. What is still more striking is that Canada paper bore this high value at the period when the paper of the United States was in such a state of depreciation as to create the utmost confusion in that country. Our paper aided the government, because it operated as a loan, at a moment when the expenditure was of a magnitude not to be paralleled in the history of nations, but which, far from depressing the nation, served to evince not only the immensity of its resources, but the unbounded confidence placed in them.”

The entire amount of army bills outstanding in March, 1815, was £1,249,996. The army bill office was closed 24th December, 1820, all that paper being redeemed.

“The relations of trade increase daily, between Montreal and the United States, and such is the course of exchange that the notes of our principal banks circulate freely in all the towns of Canada. The merchants of Montreal are now, however, about establishing a bank of their own, with a capital of two hundred and fifty thousand pounds sterling. This will have a tendency to limit the circulation of foreign paper, and promote domestic improvements, as well as facilitate the operations of trade; though the exports from hence are chiefly confined to wheat and flour, peltry, lumber, etc., received from Upper Canada or the United States.”*

The establishment of banking facilities in Lower Canada met with

*Joseph Sansom, an American: *Sketches of Lower Canada*, 1817.

opposition from various quarters. Objections that had not been made, and could not be shown on any good ground or pretext against the army bills, fell like a shower on the proposed Bank of Montreal, some from England, others from traders with the United States—and even from the Canadians who dreaded a repetition of the French card money. The bank was founded July 23rd, 1817, with a capital of £250,000 currency, but the Act of incorporation having been reserved by the governor for the consideration of His Majesty, it was not till 1822 that an order-in-council put an end to the delay and anxiety on the subject. Meantime the Quebec Bank was founded on the 9th of June, 1818, with a capital of £75,000. Both of these institutions are still in existence.

General Drummond went to England on the 22nd of May, 1816, leaving the government in the hands of Major-General Wilson; and Lieut.-General Sir John Coape Sherbrooke landed in Quebec on the 21st July following, having for some time previously administrated the Province of Nova Scotia, whence he was advanced to that of Canada.

“Sir John lost no time after his arrival in requesting further instructions for his guidance. . . . He stated, that the late dissolution, by Sir Gordon Drummond, in consequence of the command he had received, if it were intended to have its effect, by changing for the better the representation of the assembly, had entirely failed; and not only that, but it had augmented the evil, by causing much irritation, both among the representatives and in the country, and by leading to the general election of the same members, or, in a few instances where a change had taken place, the election of others more immoderate than those whom they replaced.”*

* Lord Bathurst replied that he approved of the dissolving of the late Parliament, and that if the new one displayed the same spirit of resistance against the royal authority, he might dissolve it likewise. “Heretofore,” he added, “the governor has found a constant support in the firmness and the good intentions of the legislative council.”

Here follows a tabular statement showing the names of members returned at general elections from 1804 to 1816:—

*Christie: *History of Lower Canada*, II., 267.

| | 1804 | 1808 | 1809 | 1810 | 1814 | 1816 |
|----------------------------|-------|-------|-------|-------|-------|-------|
| Allsopp, Geo. W. .... | ..... | ..... | ..... | ..... | 1814 | 1816 |
| Amiot, Pierre ..... | ..... | ..... | ..... | ..... | 1814 | 1816 |
| Archambault, J. | 1804 | ..... | ..... | 1810 | ..... | ..... |
| Badeaux, Jos. .... | ..... | 1808 | 1809 | ..... | ..... | 1816 |
| Beaujeu, S. de ..... | ..... | ..... | ..... | ..... | 1814 | ..... |
| Beaupré, Benjamin ..... | ..... | ..... | ..... | ..... | ..... | 1816 |
| Bédard, Pierre | 1804 | 1808 | 1809 | 1810 | ..... | ..... |
| Bédard, Joseph ..... | ..... | ..... | ..... | 1810 | ..... | ..... |
| Bédard, J. B. .... | ..... | ..... | ..... | 1810 | ..... | ..... |
| Beauchamp, Jos. .... | ..... | ..... | ..... | 1809 | ..... | ..... |
| Bell, Matthew ..... | ..... | ..... | 1809 | 1810 | ..... | ..... |
| Bellet, François ..... | ..... | ..... | ..... | 1810 | 1814 | 1816 |
| Bernier, F. | 1804 | 1808 | 1809 | 1810 | ..... | ..... |
| Berthelot, M. A. | 1804 | ..... | ..... | ..... | 1814 | ..... |
| Blackwood, J. .... | ..... | 1808 | 1809 | ..... | ..... | ..... |
| Blanchet, F. .... | ..... | ..... | 1809 | 1810 | 1814 | ..... |
| Blouin, Charles ..... | ..... | ..... | ..... | 1810 | 1814 | 1816 |
| Bondy, Jos. D. .... | ..... | ..... | ..... | ..... | ..... | 1816 |
| Borgia, Jos. L. .... | ..... | 1808 | 1809 | 1810 | 1814 | 1816 |
| Bourdages, Ls. | 1804 | 1808 | 1809 | 1810 | ..... | ..... |
| Bowen, Edward ..... | ..... | ..... | 1809 | 1810 | ..... | ..... |
| Brehaut, Peter ..... | ..... | ..... | ..... | ..... | 1814 | 1816 |
| Bresse, Jos. .... | ..... | ..... | ..... | ..... | 1814 | 1816 |
| Breux, Noël ..... | ..... | ..... | ..... | ..... | 1814 | ..... |
| Brodeur, Ls. | 1804 | ..... | ..... | ..... | ..... | ..... |
| Brown, Geo. .... | ..... | ..... | ..... | ..... | 1814 | ..... |
| Bruneau, Pierre ..... | ..... | ..... | ..... | 1810 | 1814 | ..... |
| Caldwell, John | 1804 | 1808 | ..... | 1810 | ..... | ..... |
| Caron, Michel | 1804 | 1808 | 1809 | 1810 | ..... | ..... |
| Caron, A. .... | ..... | 1808 | ..... | ..... | ..... | ..... |
| Caron, Frs. .... | ..... | ..... | ..... | 1810 | ..... | ..... |
| Cartier, Jacques | 1804 | 1808 | ..... | ..... | ..... | ..... |
| Chaboillez, Ls. | 1804 | ..... | ..... | ..... | ..... | ..... |
| Chagnon, P. .... | ..... | 1808 | ..... | ..... | ..... | ..... |
| Cherrier, Serap. .... | ..... | ..... | ..... | ..... | 1814 | 1816 |
| Cockburn, James ..... | ..... | ..... | ..... | ..... | ..... | 1816 |
| Coffin, T. .... | ..... | 1808 | ..... | 1810 | ..... | ..... |
| Couillard-Després, J. .... | ..... | ..... | ..... | ..... | 1814 | 1816 |
| Cuthbert, James | 1804 | 1808 | 1809 | 1810 | ..... | ..... |
| Cuthbert, Ross | 1804 | 1808 | 1809 | ..... | 1814 | ..... |
| Cuvillier, Austin ..... | ..... | ..... | ..... | ..... | 1814 | 1816 |
| Davidson, John ..... | ..... | ..... | ..... | ..... | 1814 | 1816 |
| Debartezh, P. D. .... | ..... | ..... | 1809 | 1810 | ..... | ..... |
| De Bonne, P. A. | 1804 | 1808 | 1809 | ..... | ..... | ..... |
| Delorme, Hy. M. .... | ..... | 1808 | 1809 | 1810 | ..... | ..... |
| Dénéchau, Claude ..... | ..... | 1808 | 1809 | 1810 | 1814 | 1816 |
| Deligny, Jacques ..... | ..... | ..... | ..... | ..... | 1814 | 1816 |
| Desbleds, Alexis ..... | ..... | ..... | ..... | 1810 | ..... | ..... |
| Dessaullles, Jean ..... | ..... | ..... | ..... | ..... | ..... | 1816 |

| | 1804 | 1808 | 1809 | 1810 | 1814 | 1816 |
|---------------------------|-------|-------|-------|-------|-------|-------|
| Drapeau, Jos. .... | ..... | ..... | 1809 | 1810 | ..... | ..... |
| Duchesnois, Et. .... | ..... | ..... | ..... | ..... | 1814 | 1816 |
| Duchesnay, J. A. J. | 1804 | 1808 | 1809 | ..... | ..... | ..... |
| Duclos, Jas. .... | ..... | 1808 | 1809 | ..... | ..... | ..... |
| Dumont, E. N. L. | 1804 | ..... | ..... | ..... | 1814 | 1816 |
| Durocher, J. B. .... | ..... | 1808 | 1809 | 1810 | ..... | ..... |
| Faribault, J. E. .... | ..... | 1808 | ..... | ..... | ..... | ..... |
| Ferré, J. B. .... | ..... | ..... | ..... | ..... | ..... | 1816 |
| Forbes, Wm. .... | ..... | ..... | ..... | 1810 | ..... | ..... |
| Fortin, J. B. | 1804 | 1808 | 1809 | 1810 | ..... | ..... |
| Foucher, L. C. | 1804 | ..... | ..... | ..... | ..... | ..... |
| Fournier, Frs. .... | ..... | ..... | ..... | ..... | 1814 | 1816 |
| Fraser, James .... | ..... | ..... | ..... | ..... | 1814 | ..... |
| Frobisher, Benjamin ... | 1804 | ..... | ..... | ..... | ..... | ..... |
| Gauvreau, Ls. .... | ..... | ..... | ..... | 1810 | 1814 | 1816 |
| Georzen, Fleury .... | ..... | ..... | ..... | ..... | 1814 | ..... |
| Grant, Wm. | 1804 | ..... | ..... | ..... | ..... | ..... |
| Gray, Ralph .... | ..... | 1808 | 1809 | ..... | ..... | ..... |
| Guay, Ls. .... | ..... | ..... | ..... | ..... | ..... | 1816 |
| Gugy, Lewis .... | ..... | ..... | 1809 | ..... | ..... | ..... |
| Hart, Ezech. .... | ..... | 1808 | ..... | ..... | ..... | ..... |
| Hébert, J. B. .... | ..... | 1808 | 1809 | 1810 | ..... | ..... |
| Henry, Edme .... | ..... | ..... | ..... | 1810 | ..... | ..... |
| Huot, Frs. .... | ..... | 1808 | 1809 | 1810 | 1814 | 1816 |
| Irvine, James .... | ..... | ..... | ..... | 1810 | ..... | ..... |
| Jones, John .... | ..... | 1808 | 1809 | ..... | ..... | ..... |
| Jones, Robert .... | ..... | ..... | ..... | ..... | 1814 | 1816 |
| Lacombe, Jacques .... | ..... | ..... | ..... | ..... | 1814 | 1816 |
| Lagueux, Et. C. .... | ..... | ..... | ..... | ..... | 1814 | 1816 |
| Langlois, Pierre .... | ..... | 1808 | 1809 | 1810 | ..... | ..... |
| Languedoc, Frs. .... | ..... | ..... | ..... | ..... | ..... | 1816 |
| Lanaudière, C. G. de ... | 1804 | ..... | ..... | ..... | ..... | ..... |
| Larue, F. X. .... | ..... | ..... | ..... | 1810 | ..... | ..... |
| Leblanc, Etienne .... | ..... | ..... | ..... | ..... | 1814 | ..... |
| Lee, John | 1804 | ..... | ..... | ..... | ..... | ..... |
| Lees, Thomas .... | ..... | ..... | 1809 | 1810 | 1814 | ..... |
| Legendre, Frs. | 1804 | 1808 | 1809 | 1810 | ..... | ..... |
| McLeod, Arch. .... | ..... | ..... | ..... | 1810 | ..... | ..... |
| McCord, Thomas .... | ..... | ..... | 1809 | ..... | ..... | ..... |
| McGill, James | 1804 | ..... | ..... | ..... | ..... | ..... |
| McGillivray, W. .... | ..... | 1808 | ..... | ..... | ..... | ..... |
| Mackenzie, Sir Alex. | 1804 | ..... | ..... | ..... | ..... | ..... |
| Mailhiot, F. .... | ..... | ..... | ..... | ..... | 1814 | ..... |
| Malbeuf, Jos. .... | ..... | ..... | ..... | 1810 | 1814 | 1816 |
| Martineau, Jérôme | 1804 | 1808 | 1809 | ..... | ..... | ..... |
| Mayrand, Et. .... | ..... | ..... | ..... | ..... | ..... | 1816 |
| Meunier, J. .... | ..... | 1808 | 1809 | 1810 | ..... | ..... |
| Molson, John .... | ..... | ..... | ..... | ..... | ..... | 1816 |
| Mondelet, J. M. | 1804 | 1808 | ..... | ..... | ..... | ..... |

| | 1804 | 1808 | 1809 | 1810 | 1814 | 1816 |
|--------------------------|------|------|------|------|------|------|
| Moore, W. S. | 1804 | .... | .... | .... | .... | .... |
| Mure, John | 1804 | 1808 | 1809 | 1810 | .... | .... |
| Nadon, André | 1804 | .... | .... | .... | .... | .... |
| Ogden, C. R. .... | .... | .... | .... | .... | 1814 | .... |
| Olivier, Louis .... | .... | .... | .... | 1810 | .... | .... |
| O'Sullivan, M. .... | .... | .... | .... | .... | 1814 | 1816 |
| Panet, J. A. | 1804 | 1808 | 1809 | 1810 | 1814 | .... |
| Panet, Phil. .... | .... | .... | .... | .... | .... | 1816 |
| Panet, Bonav. .... | .... | .... | 1809 | .... | .... | .... |
| Papineau, Jos. .... | .... | 1808 | 1809 | .... | .... | .... |
| Papineau, L. J. .... | .... | 1808 | 1809 | 1810 | 1814 | 1816 |
| Planté, Jos. | 1804 | 1808 | .... | .... | .... | .... |
| Perrault, J. N. | 1804 | .... | .... | .... | .... | .... |
| Platt, Geo. .... | .... | .... | .... | .... | 1814 | .... |
| Porteous, Thomas | 1804 | .... | .... | .... | .... | .... |
| Poulin, J. M. | 1804 | 1808 | .... | .... | .... | .... |
| Proulx, Ls. | 1804 | .... | .... | .... | .... | .... |
| Pyke, Geo. | 1804 | 1808 | 1809 | 1810 | .... | .... |
| Raimond, J. B. | 1804 | .... | .... | .... | .... | .... |
| Richardson, John | 1804 | .... | .... | .... | .... | .... |
| Richer, Augustin .... | .... | .... | .... | .... | 1814 | 1816 |
| Robitaille, Jos. .... | .... | 1808 | 1809 | 1810 | 1814 | 1816 |
| Rocheblave, N. de | 1804 | .... | .... | .... | .... | .... |
| Roy-Portelance, L. | 1804 | .... | .... | 1810 | 1814 | 1816 |
| Roy, Et. Feréol | 1804 | 1808 | 1809 | 1810 | 1814 | 1816 |
| Roy, Louis .... | .... | 1808 | 1809 | .... | .... | .... |
| Roy, Alexis | 1804 | .... | .... | .... | .... | .... |
| Salaberry, Louis de | 1804 | 1808 | .... | .... | .... | .... |
| Sewell, Jonathan | 1804 | 1808 | .... | .... | .... | .... |
| Sewell, Stephen .... | .... | .... | 1809 | 1810 | .... | .... |
| Sherwood, Samuel .... | .... | .... | .... | .... | 1814 | 1816 |
| Stuart, James .... | .... | 1808 | 1809 | .... | .... | .... |
| Stuart, Andrew .... | .... | .... | .... | .... | 1814 | 1816 |
| St. Dizier, E. N. .... | .... | .... | .... | .... | 1814 | .... |
| St. Julien, Pierre .... | .... | .... | 1809 | 1810 | .... | .... |
| Taschereau, J. T. | 1804 | .... | 1809 | .... | 1814 | 1816 |
| Trestler, J. J. .... | .... | 1808 | .... | .... | .... | .... |
| Turgeon, Louis | 1804 | 1808 | .... | .... | .... | 1816 |
| Turgeon, Jos. .... | .... | 1808 | .... | .... | .... | .... |
| Vallière, Rémi .... | .... | .... | .... | .... | 1814 | .... |
| Vanfelson, Geo. .... | .... | .... | .... | .... | .... | 1816 |
| Vesina, Pierre .... | .... | .... | .... | .... | .... | 1816 |
| Viger, D. B. .... | .... | 1808 | 1809 | 1810 | 1814 | 1816 |
| Viger, François | 1804 | .... | .... | .... | .... | .... |
| Vinet, F. .... | .... | .... | .... | .... | .... | 1816 |
| Weillbrenner, Peter | 1804 | .... | .... | .... | .... | .... |
| Young, J. | 1804 | .... | .... | .... | .... | .... |

Making in all 145 members sitting in an assembly of 50 members, from 1804 to 1816.

The new members in 1808 were 27; in 1809, 11; 1810, 16; 1814, 29; 1816, 14.

The elections of 1814 give us the key to the public opinion and that key opens for us the door to the events that transpired from 1817 to 1837.

Of the fifty members elected in 1817, there were 33 who belonged to the House of 1814. Of these 33 there were 11 who sat in the Parliament of 1810.

The majority of voters in every county of the province—towns included—being Canadians, not a single English-speaking candidate could have been elected, had the Canadians determined to select members amongst their own people only. If, on the other hand, the representation had been based on the figure of each element, throughout the province, no Englishmen could pretend to enter the House for want of a majority in any county. Now, let the reader remember that, as a rule, 35 Canadians were chosen and 15 English-speaking men—can any reproach be cast on the Canadians on the ground of selfishness or lack of generosity in that matter?

The polling of votes lasted until more than two hours had elapsed since the registration of a vote. In this manner an election sometimes would last for twenty or thirty days. Besides, the vote was an open one (no secret ballot) and, very often, a squabble would arise for the purpose of preventing a man from registering his name. Fighting was the order of the day, to prevent the adversaries from winning the election.

Members of the legislative assembly at the meeting of 15th January, 1817:—

Upper Town of Quebec.—Claude Dénécheau, Geo. Vanfelson.

Lower Town of Quebec.—Andrew Stuart, François Languedoc.

East Ward of Montreal.—Louis Roy-Portelance, John Molson.

West Ward of Montreal.—L. J. Papineau, F. Vinet *alias* Soulligny.

Borough of Three Rivers.—Charles Richard Ogden, Pierre Vézina.

Borough of William Henry.—Robert Jones.

Hertford County.—Louis Turgeon, Feréol Roy.

Orleans County.—Charles Blouin.

Montreal County.—James Stuart, Augustin Richer.

Hampshire County.—Geo. W. Allsopp, François Huot.

Dorchester County.—John Davidson, J. T. Taschereau.
 Northumberland County.—Etienne C. Lagueux, Philippe Panet.
 Buckinghamshire County.—François Bellet, Joseph Badeaux.
 Warwick County.—Jacques Deligny, Joseph Douaire Bondy.
 Huntingdon County.—Austin Cuvillier, Michael O'Sullivan.
 Quebec County.—Peter Brehaut, Louis Gauvreau.
 Kent County.—Denis B. Viger, Joseph Bresse.
 Cornwallis County.—Joseph L. Borgia, Joseph Robitaille.
 Leinster County.—Benjamin Beaupré, Jacques Lacombe.
 Effingham County.—Joseph Malbœuf, Samuel Sherwood.
 Bedford County.—Thomas McCord.
 Devon County.—Jos. Couillard Després, François Fournier.
 St. Maurice County.—Etienne Mayrand, Louis Gagy.
 York County.—Eustache N. L. Dumont, J. Bte. Ferré.
 Surrey County.—Pierre Amiot, Etienne Duchesnois.
 Richelieu County.—Jean Dessaulles, Séraphin Cherrier.
 Gaspé County.—James Cockburn.

Mr. J. A. Panet on leaving the chair as speaker of the assembly had been summoned to the legislative council, but he died soon after, frustrating the hopes of those who had expected that his presence with that body would have the effect of reconciling the Canadians with the council. Sir John Sherbrooke suggested to the colonial minister "the expediency of giving the speaker of the assembly a seat in the executive council. The great evil of this country, and the most fruitful source of dissensions had been, he observed, a want of confidence in its executive government, not so much in personal character of the governor as in the executive council, who have come to be considered the governor's advisers, and whose movements were watched with a jealous suspicion which tended to hamper every operation of government. The removal of this distrust, he conceived, would be effected if the speaker of the assembly, for the time being, were made a member of the executive council."*

The war of 1812-1814 had kept in check the hostility that existed between the executive power and the assembly, but once peace was restored, and Prevost departed, the old dissensions broke out afresh.

*Christie: *History of Lower Canada*, II., 266, 273.

The events known as "the time of Papineau" embrace the years 1807-1837. The honourable John Neilson clearly indicates the origin of these troubles in his evidence given before the House of Commons in 1828: "From 1792 to 1806 the government measures were generally sustained by the majority of the House of Assembly. The change which took place in 1807 is attributed to Sir James Craig, who behaved in a most violent manner towards the assembly. This was the end of the administration's influence, because such conduct implicated not only the governor, but also all who were in the employ of the government. During Sir George Prevost's administration, the assembly unanimously supported all his measures as they tended to the defence of the country. In the days of Sir John Sherbrooke the people were generally on the government's side and that governor found a majority to ratify all his measures."

Lower Canada was the cradle of political liberty before any other colony, comprised in the present Confederation, ever attempted to raise a voice in that sense, but it is well to remark that had the province belonged to Spain, Portugal or France, after 1760, we would not have had the struggle which imparted such a noble aspect to our history during the lengthy period of 1774 to 1850. As a French or Spanish dominion we could have no experience of, or aspiration for, political liberty, as the King was owner of the soil, of the forests, the waters, the animals and the inhabitants, and consequently could direct all their actions, dispose of them at will, and, so much was this the case that the people, transferred by one sovereign to another, changed yokes with the passiveness, the blind obedience, the unresisting submission of the ox, without experiencing either sorrow or regret. The man who has never enjoyed liberty in the social order, does not long for it, being incapable of appreciating the boon. Such was Canada when it passed from the autocrat Louis XV. to the constitutional King, George III., and the Canadians had no idea of the surprising change destined to take place in their general conception of public affairs as a result of their contact with a free people. After a while, when they had time to realize the new situation and get somewhat familiar with the spirit of a free government, they were also astonished to see how limited was the knowledge of the few English-speaking men in the colony when they talked of adminis-

tration. In fact these "old subjects" were satisfied to be in a Crown colony whilst the "new subjects" conceived something much better.

One hundred and forty years have rolled away since the Canadians first made their representations heard, and from that hour to the present, they have not ceased to gain ground in regard to political liberties. The history of our great men in the Parliamentary arena is also unique and inspiring.

In the colony as in Great Britain, there was a party that, bound to the old European school, had cursed Pitt and his work, because it was believed that the Canadians would take advantage of it to make themselves heard in higher circles. This party styled itself the "English" one; and, in contradiction the party of Papineau and Bédard was called the "Canadian" one. These Englishmen commenced to manifest their contempt and discontentment when they beheld Canadians electing Canadians, and even English-speaking people following Papineau. They did not hesitate to say that it was the duty of the "habitants" to send Englishmen to the House—as many at least as could be found belonging to the "English" party. On such a basis there was no way of coming to an understanding.

The colonial question, as it was understood a century ago, is little known to-day, at least in America, on account of the numerous and important changes which have taken place amongst us, but Europe still encrusted in the ideas of an epoch belonging to Christopher Columbus, even now cultivates those false and antiquated principles with an incomprehensible persistence. Great Britain was far in advance of the rest of Europe with regard to the science of government, but, like all European people, the moment there was question of the colonies, she too became entangled in a cobweb of prejudices.

"There was no desire to curtail Canadian liberty, and Craig's suggestions to that effect were not favoured. The trouble lay partly in the form of government, which was popular but not responsible. But even waiving the question of responsible government, the Canadian executive was singularly weak. The executive council were the advisers of the governor, but there was no division into departments, no individual responsibility, and no individual superintendence. Each member of the council took an equal

part in all the business brought before it. The power of removing councillors was rarely executed, so that the governor was obliged either to consult advisers, in whom he had no confidence, or to make use of only a portion of the council. The secrecy of its proceedings added to its irresponsibility. Upon the whole, no more unfit instrument could have been imagined with which to oppose a demagogic assembly. In reading the history of Canada during this period, on the surface the old story of colonial emancipation appears about to be acted. In fact, however, the circumstances were very different. The love of self-government in the New England colonies had grown with their growth, and been prepared in the township and the church. The French Canadians had known nothing of self-government, local or political. While they employed the political weapons put into their hands, they cared little for them as ends in themselves. Many will remember Lord Durham's words: 'I expected to find a contest between a government and a people. I found two nations waring in the bosom of a single state. I found a struggle not of principles, but of races.' The fact, however, that this state of things prevailed in Lower Canada rendered the constitutional question of less importance in Upper Canada. Whatever might be the objections of English settlers to the "family compact," a name given to a body of men who possessed almost all the highest public offices, by means of which, and of their influence in the executive council, they wielded all the powers of government, there could be no question as to the fixed determination of the great majority of the people to maintain the connection with Great Britain."*

"The colonies offered a wide field of employment for the friends, connections, and political partisans of the home government. The offices in England fell short of the demand, and appointments were accordingly multiplied abroad. Of these many of the most lucrative were executed by deputy. Infants in the cradle were endowed with colonial appointments to be executed through life by convenient deputies. Extravagant fees or salaries were granted in Downing Street and spent in England, but paid out of colonial revenue. Other offices, again, to which residence was attached, were too frequently given to men wholly unfit for employment at

*Hugh Edward Egerton: *History of British Colonial Policy*, London, 1898, p. 261.

home, but who were supposed to be equal to colonial service, where indolence, incapacity, or doubtful character might escape exposure.”*

The resistance offered by the two Papineaus to the form of government thus imposed upon the country, had neither the tinge of nor any connection with the idea of rebellion. They sought reforms, but did not ask for them all at once through fear of upsetting the business of the country. They never spoke the language of the demagogue—which belongs to those who pretend to advocate popular interests and who favour the cause of the people in order to win a support that may permit them to dominate the masses. They exaggerated in nothing; never stepped aside from the pathway of truth; and they were irrefutable.

Papineau was no utopian. That which he demanded was perfectly practicable; only that, like all agitators, he was ahead of the times. And even in this regard, it is scarcely right to say that he went too rapidly, since it is to-day admitted that the greater number of the reforms which he sought to have effected should have been accorded at the time by the reigning power.

“The attitude of the colonial office towards the colonies from 1815 to 1840 may be shortly stated as an absolute refusal to admit that the officials in the colonies were answerable for their conduct to anyone but the colonial secretary. At the same time a strong desire was often expressed to remedy any and all abuses of which the colonists could justly complain. The colonial office said, in effect: ‘If the governor does wrong blame him to us, and if we agree with you we will recall him or instruct him to do better in future. If he retains in office men against whom you have just cause of complaint, lay your complaints before us, and if we agree with you we will see that the delinquent officials are dismissed.’ In the last resort, therefore, what policy should be pursued in the government of the provinces of North America and elsewhere was determined by the British ministry. No doubt each succeeding ministry honestly desired that the colonies should be governed in harmony with the wishes of the colonists; but, so long as the local officials were held responsible to Downing Street instead of to the

*Sir Thomas Erskine May: *Constitutional History of England*.

colonial assemblies, just so long were the provinces without real self-government.

“In each of the provinces the head of the official staff was the governor (or lieutenant-governor), the representative of the Crown. His powers were, 1st, to summon, adjourn, prorogue and dissolve the Provincial Parliament; 2nd, to appoint the members of his executive and legislative councils, judges, magistrates, and all other officials; 3rd, to pardon offenders; 4th, to grant Crown lands; 5th, to perform all other necessary acts of executive government. These wide powers were to be exercised subject to instructions from the colonial secretary, so that the governor was in reality one of the staff of the colonial department.

“Associated with the governor in the government of each province was an executive council. In each of the Maritime Provinces one council combined both executive and legislative functions: as an executive council, advising the lieut.-governor in the work of executive government; as a legislative council, having an equal voice with the assembly in passing all laws. In the two Canadas, the councils were distinct. In Upper Canada, the executive council was a very small body, composed exclusively of the heads of the chief public departments. In Lower Canada it contained (in 1828) eleven members, including, in addition to departmental heads, the chief justice and one other judge, the Anglican Bishop, and one leading partner in the North-West Company. The powers of the executive council were very ill-defined. Some few acts of the governor were required to be done ‘by and with the advice’ of this body, and in some of the provinces the governor and his council constituted a court of appeal. In the performance of most of his duties, however, the governor was under no obligation to consult the members of his council. Downing Street held him alone responsible.

“Gradually the officials of the colonies became more settled. Colonial appointments though nominally ‘during pleasure’ were practically for life, and the office-holders and their families became permanent residents. Living chiefly in the larger towns in each province, they formed an official aristocracy, with the governor (or lieutenant-governor) at its head. There was naturally much inter-marrying among them. Social and business ties

drew them together, and it was not long before in each province there was a tacit 'family compact' to work together to hold a monopoly of place and power. The executive council was composed of the leading members of this family compact, and as the years went by they secured an ever-increasing control of the patronage of the Crown. Although they are usually spoken of as an 'official' aristocracy, they embraced, particularly in the Maritime Provinces and in Lower Canada, the most influential of the mercantile class, those interested in trade with England, and the magnates of the North-West Company. New officials, as they arrived from England, naturally fell within the circle. Those who failed to adopt and uphold the views of the ruling faction found that faction strong enough in influence with the governors and the colonial office to secure their dismissal.

"The power conferred upon the colonial Parliaments to make the laws by which in local matters the colonists were to be governed must not be lightly valued. That it did not carry with it proper control over the executive government of the province was owing to the fact that for many years the colonial revenues were largely derived from sources over which the assemblies had no control. Even in the matter of legislation, the officials long retained a dominant influence, for, through the legislative council, they could defeat any measure tending to weaken their hold upon the government of the province. For many years, therefore, the only remedy for executive misrule was an appeal to the British ministry through the colonial secretary.

"Financial control by the 'people's house' would have prevented all this, and reforms would speedily have been forced upon the executive without the necessity of an appeal to Downing Street. After years of practically useless struggle to remedy particular abuses the popular leaders became convinced—to use the word of Joseph Howe, one of the most noted of them—that the touchstone of liberty was the control of the supplies.

"The colonial revenues may be conveniently classified as follows: 1st. The casual and territorial revenues of the Crown, arising from the sale of lands, mining royalties, fees of office, fines and the like; 2nd, duties payable under Imperial statutes upon goods imported into the colonies; 3rd, duties levied and moneys collected under Acts of the Provincial Parliaments. The

salaries of the majority of the officials were paid out of the first and second classes, and over these the assemblies had no control whatever. The civil list, as the officials' pay-roll was called, was settled in England. All the assembly could do, if they thought the salaries too high, was to complain to the colonial office in Downing Street. They could, of course, pass Acts granting money for road-making, bridge-building and other public works, and could control the raising and spending of such moneys; these formed the third class above mentioned. To withhold supplies, therefore, might inflict great injury upon the country by stopping public improvements; it could not affect the officials. They held their positions and drew their salaries regardless of the censure of the people's representatives in the assembly.

“Even in the composition of the legislative assemblies there was much which tended to give undue weight to the wishes of the official class. The towns, in which that class was the predominant element, were allowed representation in the assemblies out of all proportion to their population. Placemen also were eligible to seats in the assembly. Many of them held official positions which brought them in close contact with the people in the different towns and counties. It was in the power of the government to advance or retard progress in any particular region, and the individual settler, too, could be helped or hindered by government officials, who frequently used their powers, with little scruple, to secure their own election to the provincial assembly. Every effort to effect reform in this direction was in every province long frustrated by the legislative councils.

“In the Maritime Provinces, where one council exercised both execution and legislative functions, advocates of reform thought for a time that an improvement might be effected by a division of the council. This was done in New Brunswick in 1832, in Nova Scotia in 1837, and in Prince Edward Island in 1839, but, as Joseph Howe expressed it in somewhat robust phrase, it was but cutting a rotten orange in two in order to improve its flavour. The family compact controlled the two councils as they had before controlled the one. In New Brunswick, after the separation, three families formed a clear majority of the legislative council, and the same invidious preferences—local, commercial and religi-

ous—were shown in its composition as in the other provinces. Before its division the council of Nova Scotia consisted of twelve members, all resident in Halifax. The Anglican Bishop was a member *ex officio*, and eight others were of that church. The chief justice presided, and around the board were the heads of departments and other influential members of the family compact. Two families were represented by five members. One mercantile partnership was also represented by five members. The result was that while needed measures of civil and religious form were prevented, the interests of the outlying parts of the province were sacrificed to benefit Halifax merchants.

“If the long-suffering colonists carried their complaints to the colonial secretary they found, as Howe said, that there was hardly a public servant in the province who could not by his representations and influence thwart any resolution or address which the assembled representatives of the whole country thought it their duty to adopt.

“Colonial government was then in its infancy, and many men both in England and on this side of the Atlantic conscientiously believed that to give entire control to the colonial assemblies would be but a step toward separation from Great Britain. We know now that they were mistaken.

“In the Maritime Provinces, while there was the same vicious system and the same spirit as in the Canadian provinces, there was a marked absence of that active oppression to which the family compact resorted in order to maintain their position in Upper and Lower Canada. The battle for reform was, as a natural consequence, well advanced in the two Canadas before it began in the Maritime Provinces; and in the latter, where executive oppression had been less felt, it was fought with less bitterness.”*

Samuel Papineau was born in the town of Montigny, Poitou, France, 1670, and married, in Montreal, 1704, Catherine Quevillon. Of their nine children, one, Joseph, born in 1719 was the father of Joseph, born in 1752, who entered the first house of assembly (1792) and displayed both great talents and patriotic wisdom. Sir James Craig had frequent conversations with him on all sorts of subjects whenever occasion presented itself, yet none ever fought more vigorously against that governor and his council

*W. H. P. Clement: *History of Canada*, Toronto, 1897, pp. 185, 187-90, 192, 196.

than did Papineau. In Ryland's letters we read that Papineau was absent from a meeting that had just taken place, but, he adds, "there are one or two phrases in the resolution adopted on that occasion, that could not come from elsewhere than his subtile mind, which was ever on the alert to avoid all danger, even while saying all that he wished to say."

His son, Louis-Joseph, was born in Montreal and baptized on the 10th October, 1786. He was sent to the Quebec Seminary where he entered his class in rhetoric in 1802. As a member of the literary association of that college he delivered a speech on one occasion which caused the admiration of all the town society. "The renown of young Papineau had preceded him even before his entry into the Seminary of Quebec. Everything presaged from that day a brilliant career. He was passionately devoted to reading and his mind was already more developed than those of the greatest number of the finishing students. He seldom played with children of his own age; rather did he spend his hours of recreation in reading, playing a game of drafts or checkers, or conversing upon literary subjects either with his masters or with students belonging to the higher classes. The general opinion was that he would have been constantly at the head of his class, were it not that he preferred reading to the study of the Latin language."*

Thus, Louis-Joseph pursued his studies in the Quebec Seminary, although his family resided in Montreal; still, as the legislature met in Quebec, the father and son found themselves frequently in each other's company. It might be said that the young man was brought up in a political atmosphere, amongst men such as Bédard, Borgia, Lothbinière, Debartzch, Neilson, the only group in the entire civilized world that possessed a proper conception of the manner in which colonies should be governed.

When Louis-Joseph was asked where he had learned to speak, he made a reply that should be taken to heart by all young men who are desirous of entering the public arena, he said: "I practised to speak in our little literary circle in Quebec." That small academy was a very humble assembly; yet seven or eight brilliant men, who could never have been educated elsewhere in the same manner, and whose careers depended upon their training, came forth from that same circle.

*De Gaspé: a fellow student of Papineau.

The amiability and courtesy of the two Papineaus constituted the source of all the compliments showered upon them, and even with their most pronounced opponents their social relations were of the most agreeable character. In 1822, when Louis-Joseph was waging a formidable campaign against the financial administration, he stated, in a letter to his brother, that the Receiver-General, Caldwell, returning from England, gave him ample information in regard to the project of the ministers concerning Lower Canada; and yet Papineau, at that time, demanded an examination into Mr. Campbell's books and safe, in order to know what was going on in his office. We must suppose that neither Ryland, nor Craig, nor Caldwell attributed any motives of personal animosity, or of private interest, to the Canadian leader, and, apart from the political battle, they treated him in a friendly manner.

A simple student at law, in 1808, and only twenty-one years of age, Louis-Joseph was elected by the county of Kent (Chambly) as a member of the legislative assembly, and from that date till 1834, he was returned to Parliament ten times. He seems during the sessions of 1808 and 1809 to have confined himself to a close study of the practices and customs of the house of assembly, in order that he might become perfectly acquainted with that peculiar and complicated procedure, a knowledge of which is absolutely necessary for one who is desirous of taking an active part in the work of legislation. He was admitted to the Bar in 1810. During the war he served as a captain of militia. One day, when in command of a company escorting American prisoners, he ordered the band to stop playing *Yankee Doodle*, as he looked upon that air as, under the circumstances, an insult to the vanquished.

On the 29th of April, 1818, at Quebec, he married Julie Bruneau, of a family from Poitou, France, settled at Quebec before the conquest.

The new Parliament (the ninth of Lower Canada) met on the 15th January, 1817. M. Papineau was again chosen speaker of the assembly unanimously. The governor called the immediate attention of the legislature to the failure of the crops in different parts of the province, but more particularly in the parishes below Quebec, where it had been represented to him that the inhabitants had been reduced to a state of absolute want.

In the month of April of that year, Mgr. Plessis was summoned to the legislative council.

The assembly met again on the 7th of January, 1818. One of the public complaints had reference to contingent, extraordinary and unforeseen expenses. In such cases the governor met the expenditure by drawing from the military funds, not feeling justified in making use of the money of the province that was not as yet allotted by the legislature to any definite object. If, for example, a sum of £100 were voted for the building of a wharf which unavoidably cost £120, the £20 that were lacking were borrowed from the funds for the army—but the question here arises as to whether or not the Imperial treasury should be at the loss of that amount? If the assembly were asked to recognize it by a vote, the latter could make answer that it did not approve of expenses incurred outside of its control—and there was no minister responsible to the people. The debate on that and other similar questions concerning finances was destined to be renewed, year after year, for a long time—and so the session of 1818 passed without a conclusion being arrived at.

The Duke of Richmond arrived at Quebec on the 29th July, 1818. He died in Upper Canada, during a tour of inspection, 28th August, 1819.

On an application from steamboat owners (1819) the Lords of the Treasury authorized the commissariat in Canada to advance them from £1,500 to £2,000, to be repaid by instalments, the steamers to have the preference for freight, the proceeds from which would no doubt go a long way to extinguish the debt.

The session of 1819 opened on the 22nd January. "The estimate of the expenses of the civil government for the year 1819 was £81,432 sterling, being upwards of £15,000 over that of the previous year. This sudden increase, without any ostensible necessity, created dissatisfaction, and indisposed the generality of the assembly, who disapproved of the advice that had induced the governor to make so large a demand upon the country upon his advent. The estimate was referred to a select committee, by which, after being particularly examined, a report recommending in strong terms retrenchment and economy was made. 'Your committee,' they observed in conclusion, 'are of opinion that this House, on making a suitable provision

for such offices as are indispensably necessary, will also act in conformity with the desire and interest of the province at large, by making an unqualified reduction of those sinecures and pensions, which, in all countries, have been considered as the reward of iniquities, and the encouragement of vice; which, in the mother country have been and still are a subject of complaint, and which, in this province, will lead to corruption.' A provision of £8,000 sterling, a year, for pensions, was unwisely proposed in the estimate as 'the pension list at the disposal of His Majesty's representatives, for rewarding provincial services, and providing for old and reduced servants of the government and others.' '*

The Duke of Richmond prorogued the session on the 24th of April, 1819, with expressions of dissatisfaction at the proceedings of the commons: "You, gentlemen of the legislative council, have not disappointed my hopes," said His Grace, "and I beg to return you my thanks for the zeal and alacrity you have shown in all that more immediately belongs to your body. It is with much concern I feel myself compelled to say that I cannot express to you, gentlemen of the assembly, the same satisfaction, nor my approbation at the general result of your labours (at the expense of so much valuable time) and of the principle upon which they rest, as recorded on your journals. You proceeded upon the documents which I laid before you, to vote part of the sum required for the expenses of the year 1819, but the bill of approbation which you passed, was founded upon such principles, that it appears from the journals of the upper House, to have been most constitutionally rejected: His Majesty's government has been thus left without the necessary supplies for supporting the civil administration of the province for the ensuing year, notwithstanding the voluntary offer and pledge given to His Majesty, by the resolve of your House, of the 13th February, 1810."

On the receipt of the sad news that the governor-general had died in the upper province, Chief Justice Monck took in hand the administration. Lord Dalhousie only arrived on the 18th of July, 1820.

In a letter, dated 15th of April, 1820, Louis-Joseph Papineau wrote to his father that, according to all appearances, the administrator awaited the

*Christie: *History of Lower Canada*, II., 308.

official news of the King's death to dismiss the House, and in fact such is exactly what took place, we might say with theatrical suddenness, on the 24th of the same month.

As on former occasions, the polling, in June-July, were decisively unfavourable to those who, in accordance with the views of the executive, had sided with it and combated the bill as passed by the assembly, providing for the civil list by items, and consequently few of them were returned.

“A speech, at the hustings, by Mr. Papineau, late speaker of the assembly, on his re-election, conjointly with Mr. Garden, for the west ward of the City of Montreal, much spoken of at the time, and going, with great applause, the rounds of the journals, is, in all respects so faithful, as to deserve notice and a place in the annals of his native country. The testimony, on a subject of this nature, of one occupying the eminent public position which Mr. Papineau so long did, in the councils of the province, whose private life, whatever may be said of his political career, is unblemished and exemplary, and who then stood, and possibly, notwithstanding all that has occurred, still stands higher in the estimation of his compatriots than any other man living, will, in all time to come, be read with interest, whatever vicissitudes may still await the political course he has re-entered upon.”*

M. Papineau said: “Not many days have elapsed since we assembled on this spot for the same purpose as that which now calls us together—the choice of representatives. The opportunity for that choice being caused by a great national calamity, the decease of that beloved sovereign who had reigned over the inhabitants of this country since the day they became British subjects, it is impossible not to express the feelings of gratitude for the many benefits received from him, and those of sorrow for his loss, so deeply felt in this, as in every other portion of his extensive dominions. And how could it be otherwise, when each year of his long reign has been marked by new favours bestowed upon the country? To enumerate these, and to detail the history of this country for so many years, would occupy more time than can be spared by those whom I have the honour to address. Suffice it, then, at a glance, to compare our present happy situation with that

*Christie: *History of Lower Canada*, II., 327.

of our forefathers, on the eve of the day, when George the Third became their legitimate monarch.

“Recollect that under the French government (internally and externally, arbitrary and oppressive) the interests of this country had been more frequently neglected and maladministered than any other part of its dependencies. In its estimation, Canada seems not to have been considered as a country which, from fertility of soil, salubrity of climate, and extent of territories, might then have been the peaceful abode of a numerous and happy population; but as a military post, whose feeble garrison was condemned to live in a state of perpetual warfare and insecurity—frequently suffering from famine—without trade, or with a trade monopolized by privileged companies—private and public property often pillaged, and personal liberty daily violated—when year after year the handful of inhabitants settled in this province were dragged from their homes and families, to shed their blood, and carry murder and havoc from the shores of the great lakes of the Mississippi and the Ohio, to those of Nova Scotia, Newfoundland, and Hudson’s Bay. Such was the situation of our forefathers: behold the change. George the Third, a sovereign revered for his moral character, attention to his kingly duties, and love of his subjects, succeeds to Louis XV., a prince then deservedly despised for his debauchery, his inattention to the wants of the people, and his lavish profusion of his public moneys upon favourites and mistresses. From that day, the reign of the law succeeded to that of violence; from that day, the treasures, the navy, and the armies of Great Britain, are mustered to afford us an invincible protection against external danger; from that day, the better part of her laws became ours, while our religion, property, and the laws by which they were governed, remained unaltered; soon after, are granted to us the privileges of its free constitution—an infallible pledge, when acted upon, of our internal prosperity.

“Now, religious toleration, trial by jury—that wisest of safeguards ever devised for the protection of innocence—security against arbitrary imprisonment, by the privileges attached to the writ of habeas corpus; legal and equal security afforded to all, in their person, honour and property; the right to obey no other law than those of our own making and choice,

expressed through our representatives; all these advantages have become our birthright, and shall, I hope, be the lasting inheritance of our posterity. To secure them let us only act as British subjects and free men."

Now follows the commentaries of Mr. Christie: "Mr. Papineau's just appreciation, at this period of his political life, of the paternal treatment and protection Canada had ever experienced, since it became part of the British Empire, at the hands of its government, found a hearty approval in every truly British bosom, and rendered him not less popular with his fellow subjects of British, than with those of his own origin; a distinction, which unhappily, had now come fully into vogue between the two classes. But the really patriotic views he then entertained, have since, it seems, undergone a total change, and others of a different character been adopted in their stead, unprofitable to his country and himself, the more to be regretted, as the quiet redress of all real grievances and abuses of which the province may have had just cause to complain was within his reach. A man of his acknowledged talents and standing, mediating between the people and the government, confided in as he might have been by both, could not have failed, by a prudent and pacific course, to reconcile all jarring interests, and to secure, without an effort, the repose and prosperity of his country, and with them its gratitude. At all events, it is more than probable that the affliction it has experienced, and the position in which we find it to-day—a false one, as many will have it, but the necessary consequence of its own erroneous policy, stimulated by the virulence and intolerant politics of that gentleman—might have been avoided. Happy, however, if he does not again succeed in plunging it into still deeper trouble, by a perseverance in his former agitation and another hegira. No man in Canada at the present hour is so esteemed by his countrymen, the Canadians of French origin, as Mr. Papineau; none so influential throughout the masses, for good or for evil to them, as all those observant of the time must perceive, as he. But their true interests cannot possibly lie in the direction he seems determined, at the time (1848) we are writing, to pursue, but the opposite. Will he see it so, and have the wisdom to follow it?"

The foregoing is exceedingly well thought out. It was Mr. Papineau's misfortune to have survived the twenty years (1817-1837) during which

he was the leader in Lower Canada, or rather, to have re-entered the political arena, in 1848, without being aware that he stepped into a new sphere. He even attempted to take up the fight again at the point where he had left left off in 1837, as Mr. Christie expected he would; but was forced to retire before the indifference manifested towards him by the greater number of the French Canadian political leaders.

CHAPTER XXV.

The finances of the province, 1821—Public functionaries—The Royal Institution, 1822—The Union Bill, 1822—Messrs. Papineau and Neilson delegated to London—Opinion of Lord Bathurst on Canada—L. J. Papineau as an orator, etc.

All the discussions of the hour seemed to revolve around that of the control of finances and of revenues, as around a central pivot. The proceedings in 1821 furnish an exact idea of the general Parliamentary business. The estimates laid on the table of the clerk of the House, 21st December, with an expression on the part of the governor that they should not be annually voted, meaning that certain sums for defraying civil administration were expected to be consented to during the life of his present most Gracious Majesty. M. Taschereau, who conducted the debate, caused the reply to be made as follows: "The sums necessary for the support of His Majesty's civil government in this province ought to be voted and appropriated annually, and not otherwise." It goes without saying that the government employees were of the same opinion as the ministers in London, and the "family compact" in Canada, in regard to the finances of the colony. They retained the patronage which should have been subject to the control of the assembly.

Towards the beginning of the nineteenth century, it would appear that the House of Commons of the United Kingdom did not check very closely that portion of the civil list which includes the salaries of public officers; but this was simply because there was no desire to bother with it, for its right, as far as this point is concerned, was incontestable. In Canada, the use and distribution of the moneys had to be established item by item, which was the only means of keeping any control over the executive power appointed by the Crown and of making sure of the assiduity and integrity of all ranks and classes of public employees.

"In time long past, when the revenues from Crown lands and other sources sufficed to pay the various officials, English kings were able to govern without much regard for the wishes of Parliament. But when (as frequently happened) they had to apply to Parliament for money, the House of Commons was able to enforce the redress of grievances, to procure dismissal of incompetent officials, or, in short, to insist on any line of public policy being followed as the price to be paid for the money. Taking advantage of the frequent necessities of the Crown, the House of Commons gradually secured complete control of the public purse. The heads of the chief departments, who formed the King's executive council or cabinet, had to be men possessing the confidence of the 'people's house'; otherwise supplies for carrying on government might be refused."*

Sir Robert Shore Milnes had ceased to be lieutenant-governor on the 28th November, 1808, but his sinecure, with a salary of £1,500 per annum, had passed to Sir Francis Nathaniel Burton, who lived in England. Upon the remonstrance of the assembly, he came to the province in 1822. The situation of the lieutenant-governor of Gaspé was identical; to this Lord Dalhousie replied that such an officer was necessary, and that, instead of cutting down his pay (£300) it should be increased, in order that he might reside within the region governed by him.

The secretary of the province, Mr. Amiot, an official of the colonial office, had never set foot in Canada; he received £400 a year and employed a deputy, M. J. Taylor, who collected the fees of his office in Quebec. In reply to a question in the assembly on that subject, the governor answered that, at the death of Mr. Amiot, care will be taken to appoint a successor who will reside in the colony. Later on, to make room for Mr. Daly, as deputy, Mr. Amiot was put on the pension list at £400 sterling per annum, so that the province was saddled with that additional sum until 1845.

It was also the opinion of the House that no salary should be allowed to any of the members of the executive council, non-resident in the province.

Even Thomas Moore, the poet, drew between £300 and £400 yearly on the pretext of a job that had been given him in Montreal, while in reality he spent only fifteen days, in all his life, in Canada, when he composed his famous "Canadian Boat Song."

*Clement: *History of Canada*, p. 186.

The offices of judge of the Vice-Admiralty and judge of the Court of King's Bench were combined in the same person, also the office of judge of King's Bench and French translator; also that of a judge of the same court and of auditor of public accounts.

As a contrast to that state of things, Mr. Neilson observed that the richest land and property owners in the province cannot calculate upon any revenue from that source exceeding £1,500 per annum; that the professional men consider they are doing very well if they get the same amount, and this income, as a rule, would only last for about ten years. The functionaries, he added, receive a higher pay than the most wealthy proprietors, and more than the individuals engaged in the most profitable branches of industry—thus they are the lords of the land, because the largest income always produces such an effect.

“Mr. Papineau, speaker of the assembly, was shortly after the beginning of the session (1821) called to a seat in the executive council, as were also Mr. Hale, a member of the legislative council, and Lieut.-Colonel Ready, civil secretary to the governor-in-chief, a gentleman who had come to the province with the Duke of Richmond and served in that capacity under him.”

“As Mr. Papineau, the speaker of the assembly, was the most influential leader amongst the Canadians, the colonial office, recalling the advice given by Sir John C. Sherbrooke, in 1816, sought, apparently, to win him over. Orders were given to Lord Dalhousie to appoint him to the executive council. Mr. Papineau, being convinced that alone he could exercise no influence upon that legislative body, never made his appearance there; and, in 1823, the advantages which the government had expected to gain by the presence of the speaker of the House at its deliberations, not being realized, he was discharged therefrom.”†

The fact is that Mr. Papineau attended two or three sittings of the executive council soon after his appointment there, but ceased after that, probably for the reason mentioned by Garneau.‡

*Christie, II., 352.

†Garneau, III., 232.

‡Note of Mr. F. J. Audet, office of the Secretary of State, Ottawa.

The House of Assembly, at that period, possessed several men whose talents were of the highest order; and, although the Quebec *Mercury*, and the official circles affected a great disdain for the *illiterate habitants*, yet the British government was well aware that these so-called ignorant people, were, most frequently, persons of great worth, of perfectly dignified manners and unwavering patriotism, and that their leaders, far from being demagogues, would have been worthy to occupy seats in the House of Commons. The honourable John Richardson, a member of the legislative council and a merchant of high standing declared at a sitting of that body that all these talents and energies were displayed with a view to bring about a revolution, a *coup d'Etat*, and remove the governor in order to make place for one of them. This brought against Mr. Papineau the accusation of looking for the dictatorship of the country. It may not have been believed in Canada, but it was in England!

The Royal Institution was created (1801) as the nucleus of a scheme of education for the province, ignoring the Catholic colleges and schools already in existence. It is true these were not supported by the state, nevertheless they had done very well for years and were full of promise for the future.

A bill was passed, 1814, amending the Royal Institution Act of 1801. It provided, among other things, that if a majority of fifty landholders in a parish or township wished to establish a school, they should serve a notarial act upon a resident militia officer highest in rank, who should then call a meeting for the election of five trustees, in addition to the senior magistrate, curé or minister.

In 1818 the number of schools in the province, under the Royal Institution, were 37, attended by 1,048 scholars, at a cost of £1,883 sterling.

Of the eighteen trustees of the Royal Institution appointed in 1818, four only were Roman Catholics, and of the fourteen Protestants three were prominent officials of Upper Canada. The teachers were principally from Great Britain, unacquainted with the French language and generally ignorant of the habits of the people.

In December, 1819, Chief Justice Monck, who was acting as administrator consequent upon the death of the Duke of Richmond, wrote that the

Royal Institution for the advancement of learning had ample means to effect "the execution of the law," but such means were simply expectations. The Institution only existed on paper. An attempt was made to give it an impulse, about 1820, for the following reason: Mr. James McGill, a merchant of Montreal, made a will in 1811 bequeathing the land known as Burnside and ten thousand pounds in money, to erect within ten years after his death, a college to be called McGill College. The donor's death happened in 1813, therefore, the Royal Institution wished to be put in possession of the land and funds before 1823, but the refusal of the executor to act or transfer the property postponed the matter until 1829, when the Royal Institution was no more, so that the college was begun with the means furnished by Mr. McGill and supplemented by the liberality of Mr. W. Molson, another Montreal merchant.

The number of schools under the management of the Royal Institution soon began to diminish, and in 1820, all applications for schools to be placed under its control entirely ceased.

The College of Nicolet was founded in 1804, that of Hyacinth in 1812. The older ones in Quebec and Montreal were doing well.

The bill passed in 1822 was satisfactory to the Catholics, and Mgr. Plessis approved of it because, among other things, the Catholics would cease to pay for Protestant schools.

By that time schools had been opened in several localities, and the Nicolet College was in a thriving condition, as well as the others already mentioned.

"It was Messrs. Papineau, Neilson and Cuvillier who directed the great debate on the finances which took place with the colonial office, represented here by the governor and the council. Papineau and Neilson took charge of the principles at stake, and Cuvillier of the figures and calculations. There was no imposing upon them, nor placing them in the wrong in regard to questions of taxes and finances; but the power remained with the ministers, and they made use of it to dissolve Parliament, in order to intimidate the representatives of the people. For several years, scarcely was there a single Parliament that attained to its natural term. Such an extra-

ordinary state of affairs had to come to an end, because business was checked and the minds of the people became impatient.”*

In 1822 two Acts, granting for the public service certain annual sums to the Crown had expired. The House did not renew them, despite the request made by the governor, and the treasury was thus left without any authority to meet the expenditure. By this means the executive council found itself paralyzed, exactly what the House desired in order to secure a hold of the purse-strings. In our days the executive, or the cabinet of ministers, constitutes a part of Parliament, and cannot expend a cent without the permission of the latter. In the days to which we refer, in the foregoing, the ministers, or members of the executive council, were named by the Crown, without the participation of the legislative assembly, which represents the people, and, still more, the ministers arrogated to themselves the right to dispose of the public's money according to their own judgment. The refusal of the assembly to vote the estimates otherwise than item by item, in order to ascertain exactly in what direction the money goes, obliged the executive either to remain still with folded arms, or to dig into the public chest without having secured permission.

The state of affairs was becoming serious; but neither the executive council, nor the legislative council, would give in to the Lower House. This deadlock threatened to lead to anarchy, when, all of a sudden, a change in the political temperature occurred, and without settling the budget question, for the moment, as we will soon see, it was relegated to the future.

Throughout 1821 the complaints of Upper Canada were numerous as to the proportion of duties each was to receive. For twenty years no dispute had taken place on that subject, but since the lapse of the agreement of 1817, the misunderstanding had caused great embarrassment financially to Upper Canada. The claim was for some arrears due under said agreement.

The agreement concluded, on the 1st May, 1817, between Upper and Lower Canada concerning the proportion of the customs revenue belonging to each of these provinces, had been sanctioned during the session of 1818; but had been extinct since the 1st July, 1819. Later, a commission was

*Garneau, III., 237.

formed to take up the question anew, from its inception, but it could not come to an understanding on account of the demands of Upper Canada appearing excessive.

“By the agreement of 1817 one-fifth of the whole duty raised in Lower Canada was allowed the upper province, the expenses of collection being first deducted, but a greater proportion was now claimed, besides certain arrears to the amount of £30,000, which the commissioners* of Lower Canada refused.”†

The Upper Canadian legislature referred the matter for consideration to the Imperial government, and notified the authorities in Lower Canada to that effect. This step brought out in its real light the project, of the legislative union of the two provinces, hitherto discussed under cover by the party consisting of the executive council, the legislative council, the bureau of governors, the English officials and a few merchants. In a short while a bill, to this effect, was submitted to the House of Commons in London, including at the same time questions of trade, of customs, and other matters, as if it were intended that the proposed law should settle the principal difficulties between the two provinces.

The articles concerning the union were most strongly attacked, and the ministers decided to suspend their discussion until such time as the opinions of the inhabitants of each province, in this regard, should be obtained.

The bill, modified to the following extent, became law, under the title of the Canada Trade Act. It granted to Upper Canada, in a permanent form, the conditions of the agreement of 1st May, 1817, in regard to the customs; in addition, the two supply bills, mentioned above, which had been intentionally killed in the Quebec House, were revived and put in force in permanent form, but subject to modifications on the part of the Lower Canadian legislature, provided that of Upper Canada was consenting; besides, the legislature of Lower Canada would no longer be allowed to impose new duties upon goods imported from across the ocean unless with the consent of Upper Canada, or unless the bill passed for that purpose should have been laid before the Imperial Parliament and the royal assent obtained.

*Messrs. Papineau, Cuvillier, Neilson, Davidson, Garden, all members of the Assembly.

†Christie, II., 380.

This political stroke, which resembles a stage-transformation, defeated the plans of the Quebec House, and, at the same time, deprived it of the powers theretofore exercised by it in regard to the customs.

The last four hundred words form a very brief summary of that important event. We will now see a few details, especially in regard to the projected union, while we examine the part played by Papineau during the years 1821-22.

Jonathan Sewell, chief justice of Lower Canada from 1808 to 1838, had published in 1814 a "Plan for the Federal Union of the British provinces in North America," and in 1824 another pamphlet on the same subject.

Mr. Pitt, in explaining the bill of 1791 for the constitution of Canada into two separate provinces, states, "that his intention was to accustom the Canadians to the language, the habits, and, above all, the laws and the constitution of Great Britain." This declaration may seem strange when one looks over the history of the years subsequent to 1791, since, on the one side, it is clear that the Imperial authorities wished to leave Lower Canada to the French Canadians and to form an English province in Upper Canada. Mr. Lymburner, of Quebec, explained the illogical aspect of such a system, to Mr. Pitt, but no attention was paid to him. From the moment that it was sought to have the Canadians conform to English customs, it became necessary to bring the two provinces under one government, and to keep the mass of English-speaking colonists in Lower Canada. During thirty years all the efforts of the colonial office were exerted to make the separation absolute, and then, in 1822, when the union of the provinces was proposed, Mr. Lymburner opposed it on the ground, as he said, that it was too late and that the two Canadas were in a state of antagonism to one another.

From all this it is apparent that the union of the Canadas was in the secret thoughts of the anti-Canadian party of Montreal. "About the year 1820 the colonial office had taken up again the question of the union of the two provinces, which eventually became the reflecting glass of its Canadian policy. In consequence, the governor was not to give way to any concessions in regard to finances; it was decided to refuse agreement with any matter touching howsoever remotely upon the rights of the Crown, and,

should a crisis follow, advantage would be taken of it to unite the two Canadas. This resulted from the rivalry between the two Houses. It was only necessary to continue maintaining the legislative council in its opposition to the assembly; in refusing everything to the latter, and, soon would the crisis be pushed to a degree that would enable the ministers to prove to the Imperial Parliament that the union of the provinces was the only remedy calculated to put an end to these troubles. . . . This explains how it was that the demands of the assembly, no matter how reasonable they may have been, were, under the inspiration of Judge Sewell, rejected by the legislative council.”*

“In the preparation of the measure, or bill, for the abrogation of the constitution of 1791 and the union of the two provinces in one, Mr. Ellice, the owner of the Beauharnois *seigneurie*, acted as intermediary between the merchants of Montreal and the ministers; but as he had an inveterate enemy in Mr. William Parker, his former business partner in Canada, the latter gave the alarm, so that when the measure was brought before the House of Commons, Sir James MacIntosh, and Sir Francis Burdett, who had been forewarned, opposed it. One of the ministers, Mr. Wilmot, made the admission, that if the law were not passed at once, such a number of petitions, dictated by ignorance and prejudice, would be sent in, that it would become impossible to ever adopt it.”†

On the 15th July, 1822, L. J. Papineau wrote as follows, to his brother, Denis-Benjamin: “The present moment is one of cruel disquietude for all the friends of a country that is menaced with an instantaneous destruction of every means left to prevent the ruin of its establishments and the overthrowing of its laws, through the reunion of the two provinces, which would leave to Upper Canada, with its mere 120,000 inhabitants, forty representatives, and only fifty to Lower Canada, with its 550,000 of a population. We are assured that this unjust law was to be introduced about the middle of May, but it had not been on the 5th June, as I learned from Mr. Caldwell, who has just returned from England; at the same time we are assured that it was on the point of being introduced by the ministers, and that it would pass without any opposition; and the only motive advanced is that

*Garneau, III., 229, 239.

†P. J. O. Chauveau: *Garneau et ses Oeuvres*, CLXXIII.

it is easier to govern one colony than two; that Lower Canada must be Anglified; that if the people are satisfied therewith they would be in a better condition to defend themselves in case of attack; that if they are dissatisfied it does not much matter, because the colonies are a load to carry when economy is the order of the day."

At this point petitions were being signed in the two Canadas, some in favour of the bill, others against it, and still others that asked to have the details of the project made known to the public of the interested provinces before being submitted to the British Parliament. It was evident to all that it was a stroke planned by a few quasi-idealists, or by men acting purely in their own private interests.

The North-West Company, which enjoyed considerable influence in London, wished for the union. Its directors in Canada were Messrs. Richardson and McGill, two extremist leaders of the English party.

Ellice had been a clerk in their house; he subsequently went to the West Indies, where he married a daughter of Earl Grey—who became, later, the strongest man in the Whig party. Ellice, being owner of the Beauharnois *seigneurie*, preserved an attachment for Canada (his father had been a large trader in this country), and sought to upset the plans of Pitt. It was he who caused the ministry (in 1822) to present the Union Act.

The bill gave Lower Canada a much weaker representation than to Upper Canada. It gave the councillors, not elected by the people, the right to take part in the debates of the assembly. It abolished the official use of the French language, and put restrictions upon the religious freedom and the rights of the Catholic Church. It also curtailed the rights of representatives in regard to the appropriation of the taxes. That law seemed to have been dictated by a most retrogressive and hostile spirit.

The Act afforded facilities for voluntary commutation of lands *en seigneurie*, by making provisions for replacing the *quints* which would be lost to the colonial treasury thereby, and for obviating the necessity of holding the "clergy reserves" out of any part of the regranted lands.

It was evident that all this had been prepared in Lower Canada; for we can scarcely suppose that the British Parliament and ministry would

have put a hand to such scheme were it not that they were guided therein by their confidence in the colonial government. The greater number of English-speaking people in Lower Canada claimed to favour the union, but they all disapproved of the bill as being both badly conceived and full of crying injustices. In Upper Canada vigorous petitions against the bill were signed. In the legislative assembly there were only three votes in favour of the union; in the council there were six. Public opinion evidently exercised an influence upon both Houses.

Mr. Ryland wrote, in October, 1822, proposing a system that would remedy, he thought, the difficulties of the moment: "Either unite the legislatures of Upper and Lower Canada, or, by giving a fair representation to the townships, secure an English influence in the house of assembly. Perfect the constitution by creating a hereditary aristocracy (for which the Crown Reserves were originally set apart) and make your legislative council so *respectable* as to render a seat therein an object of ambition to every man of character and talent. Exercise exclusively the patronage of the Romish Church, and give the Romish Bishop clearly to understand that the slightest opposition on his part to this regulation will put an end to his allowance of £1,500 sterling per annum. Admit no more co-adjutors."

The great meeting at Montreal, in regard to this question was held the 7th October, 1822, and the one at Quebec the 14th of the same month. The legislative council was intimidated by these public demonstrations, and it pronounced against the union. Like the Lower House, it sent its address to Papineau and Neilson to have it brought before the King, the Lords and the Commons. In the council, Richardson, Ryland, Grant, Irvine, Roderick, Mackenzie, Fellow had fought against the adoption of the address.

Mr. Samuel Gale, a native of Florida, was a landowner in the townships, and, moreover, president of the Court of Quarter Sessions for the city and district of Montreal. It was he who undertook to forward to London the petitions in favour of the union. Mr. James Stuart separated from the Canadian party, became the unionist champion, and thereby reached the Attorney-Generalship (1825).

Messrs. Papineau and Neilson were appointed to carry to the home government the petitions bearing sixty thousand signatures, but they reached London only to find that the ministry would not support the bill.

John Neilson was a philosopher, who was compared to Franklin by those who met him in England. As a journalist he had a style, laconic, coldly and calmly cynical, that was peculiarly his own, and a special knack of bringing out, by means of quotations and comparisons, the exaggerations or the contradictions of his adversaries. Although a Protestant he was an intimate friend of Bishop Plessis and of the most eminent members of the Catholic clergy. On account of his erudition, his wisdom, and his moderation, he was, for a long time, considered as a kind of political oracle in the district of Quebec.

William Parker, who had made a fortune in Canada, lived in retirement in England. He became aware of the union bill, and went to the office on Downing Street, where he accused Ellice of several misdeeds and of roguery in this affair; but he was not listened to. He was more successful with Sir James Mackintosh and Sir Francis Burdett, as well as a few other members. An opposition was organized which stopped the bill at the second reading.

Papineau says that, in 1822, when delegated to London, he found himself in the presence of "a Tory, Conservative and absolute minister, who gave him a hearty welcome and showed him real honest respect."* And he adds: "Lord Bathurst, colonial minister,† spoke to me somewhat as follows: 'I admit that for colonial possessions, wherein the population is doubled in a few years, the system of which you complain can only be for a period of organized transition and of sickly evolutions, which must be followed by a normal organization and independence, . . . you are too far from England to properly appreciate it, and too near the United States not to be dazzled by their deceptive prosperity. All I ask of you is twenty-five years of patience and resignation, and then you will witness the transformations which you desire.' " Lord Bathurst based his view upon the then very general belief that democracy would bring about, towards 1840, divisions in the United States, and that regions neighbouring Canada would take back the British flag, which would open out a new colonial era, calculated to fulfil Papineau's desires. For example Canada was granted self-

**La Revue du Peuple*, Paris, May, 1839.

†From 1809 to 1829.

government, with the counterbalancing weight of an hereditary House. On this point, the minister explained that if the creation of an aristocracy had not yet been attempted in Canada, it was on account of the poverty of the people—the same argument as that used by Fox against a similar project of Pitt in 1791. But, according to Lord Bathurst, they might create large and extensive landed proprietors who could become wealthy with the aid of a well-directed immigration; Mr. Papineau was inclined to similar views, and it was possibly believed in London, that there might be a way to turn him over by dangling before him the prospect of an elevation to a rank that would be entirely in accord with his nature.

The reader may not realize the place this great orator occupied in the opinion of his adversaries as well as of his admirers, it is a fact, though, that his personality attracted for many years the attention of the public in Canada, in the Maritime Provinces and even in England. Garneau says: "He was an energetic and persistent speaker, who never once deviated from his chosen path, in his long political career. He was gifted with an imposing appearance, a strong and penetrating voice, and that rugged and "Physically he was a man of tall stature, with strongly marked features, animated eloquence which stirs the masses." Chauveau says of him: but handsome and sympathetic. In his whole appearance, in his manner, there was a something of grandeur that, at first sight, impressed and prepossessed one. Until the hour of his death he retained the enjoyment of all his mental faculties. Even then his physique was still vigorous, if we except his hearing, which, for some years, had been considerably enfeebled."

"Of a lofty and elegant stature, with a splendid shape, aristocratic features, a head indicative of pride, nobility, and intelligence—something of Lafayette and Washington combined—the distinctive polish of the French united to the majestic bearing of the English, all the externals that mark a man made to command by the grandeur of his character and the superiority of his intelligence"—such, according to L. O. David, was L. J. Papineau.

Now we beg to submit our personal souvenir of the man who forms the subject of the present sketch. Mr. Papineau had a fine figure, souple, pleasant, erect; a noble carriage, and graceful action. All in him spoke of

goodness. His features in repose were a real model; but when animated they spoke to the eye, so clearly were his thoughts depicted upon them. His voice, full and well modulated, could reach a great distance, but near at hand, in conversation, it was of an ordinary tone and always agreeable. His affable ways, his energetic gesture, his polished and admirably sustained conversation nearly always tinged with playfulness, made him the idol of his surroundings. When he appeared in the House for the first time, he astonished the assembly, received a flood of congratulations and expressions of admiration, and found himself, almost at once, even though a new member, ranked amongst the veterans. Theatrical, after his own fashion, he grew animated in speaking and acted that which his words described. He regulated the enthusiasm of the masses as he would a piece of music.

His temperament was sanguine and bilious. With him the heart was the principal organ which acted under the impulse of a thought or of a surprise, while his blood was visibly stirred up. This gave warmth, sympathetic and humane force to his language; everything about him was apparent to the observer, and this captivated all men of sentiment. Feeling that he was listened to he rushed onward with the spirit of a noble steed that sees ahead of him the long road over which he must career. The cold facts which he explained to his audience assumed poetic shapes; he appealed to history, to the sayings of eminent men, quoted verses, scanned his phrases with the exactness of a rhetorician, and, like unto the eloquence of the ancients, his language, by an unbroken and lyric diction well calculated to charm, astonished and captivated the people. His entirely French style never for a moment lagged; he could take up, in an instant, the different shreds of his speech and impart to them, each time, a completely fresh coloring. Having a deep respect for the language he never forgot himself to the point of introducing any vulgarisms. This left an enormous impression upon even the most obtuse minds, for it made them feel the presence of a master, or of a superior. The flame of enthusiasm once lit up, enveloped all, darted from end to end of the address, and fired the imagination of his auditors.

If, on the other hand, his bilious organization were stirred up, which frequently occurred during the detailing of certain grievances that were

looked upon as a gaping wound in the side of that wonderful man, irony, sarcasm and invective poured out in a torrent of phrases, an emphatic tone dominated all others, and, according to the custom in his day, he became biting, he stabbed right and left, twisted and turned the situation, dragged his palpitating audience from irritation to irritation, and finally left them there, aroused, bewildered, overwhelmed.

The nervous system apparently was of small consequence in his personality. He controlled it entirely. It is well known that nervous people never produce as great an effect upon the public as do those of more sanguine temperaments, and this can be readily understood since any evidence of nervousness is an indication of weakness.

Even less pliable than nervous, Papineau was all assiduity, persistence and force. It might have been expected of him that he would be gay, jovial and petulant, but he was no such thing. Rather was his expression solemn; still his amiability in conversation led him frequently into a chatty mood, when he displayed a variety of sources. A man's temperament is subordinate to his character in an organization that is properly constituted. Papineau's character was that of a calculator; not the calculation of figures, but rather that which consists in correctly measuring the consequences of an event, of a word, of a proposition. Having assumed the mission of politically educating the people, he could foresee, at long or short range, the result of any political step. He never tried to hurry that which, of necessity, would require a length of time to accomplish, while he knew how to rush whatever he believed to require immediate action. Without that calculating faculty he never could have sustained, during twenty years, a series of electoral campaigns and parliamentary debates, the like of which are rare in the history of the colonies, or even in that of the British Empire. Towards 1837 he made the mistake of not perceiving that he had let loose the lion of popular excitement, and that the animal being of a temperament both nervous and bilious, was naturally possessed of ferocity.

We have read a hundred letters, written by his hand, replete with lengthy and detailed passages concerning the members of his family and their friends. These letters were brimful of affection, of kindness and of

care for those who belonged to him. Their tone was warm, their language gentle, their manner pleasant. They portrayed him as we have known him in subsequent years, for they were written between 1810 and 1834.

His reading was diversified. His memory, which was excellent, enabled him to draw from volumes that he had not read for years. In conversation he always kept to the level of his company. Each one had the idea that Papineau was just like "himself." Age made no difference; with the aged he was old, with youth he was young. His language suited as did his action the part that he played; his exquisite politeness was never tiresome. Such was that idol of the Canadians, and, truly, no person has ever dared scoff at that glorious and stainless popularity, for his private life was a model of purity and of wisdom.

His means of livelihood were never ample. The career of political leader demands an expenditure of time and money. We have seen enough papers belonging to the two Papineaus to learn that they lived in a restricted style that verged on poverty. Their seigneurie of the Petite-Nation (Montebelle), gave an easy living to Louis-Joseph only, and even that not until about 1860 when he was in his seventieth year. He and his father had worked hard, since 1804, to clear that land which was situated at the "jump-off end of creation," on the River Ottawa and amidst the primeval wilderness of two centuries past. They earned well the small amount of comfort that they enjoyed towards the close of their lives.

In his letters, as in his speeches, he adhered to the lengthy-phrased style of the eighteenth century. Nearly all his sentences are divided into four or five sections, separated from each other by semi-colons. In our age three such divisions, or members of a phrase are allowable; yet some even consider them too many.

Not any more than his contemporaries did he escape the phraseology that prevailed so largely in France from 1750 to 1850, and which left upon that space of a century an impress that is entirely peculiar in the history of the French language.

His vocabulary was that of the orator; for there are many expressions which sound well on the tongue and derived their value from the pronun-

ciation, whilst there are others that are very expressive on paper, but which have not the same value upon the lips.

He was naturally gifted with the faculty of speech, and he constantly and carefully cultivated it; that is to say, he possessed the art of constructing phrases, and above all of thinking before speaking. We have few men who give themselves the trouble to labor and to master the written language; still less numerous are they who learn how to speak in accord with the rules of art, be it before an audience or in a parlor. Papineau excelled in both styles; but when he took up his pen he rarely attained the same perfection; yet he wrote very well, if to write well means to make others grasp the ideas that you conceive. He lacked the writer's style. He was a master of the oratorical art, which utilized the voice, the gesture and the situation, while the writer has only words traced in black upon a white foundation to convey all that he wishes to express; this latter style is by far the more difficult.

Then, you will say, he had only one note in his voice and he could only make one single sound—ever repeating the same? Such was about the case; but what an artist he was! He had fallen upon a theme of the most delicate exactness and most suitable to the understanding of the masses; his aim was to develop it, to bring out all its accents, its harmonies, all the sentiments of which it was capable, and he succeeded in a masterly manner, electrifying every time his audience. Paganini picked up, in Venice, an air that no person seemed to care anything about, he clothed it with the domino of his own interpretations, rolled it into a web of fantastic variations, gave it a voice that sighed, laughed, sang, imparted most charming contradictions to its construction, and the “Carnaval de Venise” became an object of admiration for the artists and for the public. Such was exactly the case with Papineau.

“His immense oratorical power would have alone sufficed to rank him with that class of men whose names go down to posterity. The name of Papineau has long been, and will long be, throughout the country, the synonym of patriotism and of eloquence. It would be difficult, indeed, to wield more effectively than did Papineau the gift of speech. The men of his day still recall the vehement speeches which he delivered in support of

the 92 resolutions, and the terrible philippics, which, from time to time, in the House, he launched against England and her governors. His language was of the class that knows no fear and that strikes the evil full in the face, without any consideration for the marks that may be left. But, above all, it was in presence of the masses that his extraordinary talent, that fierce eloquence of the popular tribune, was revealed. He had the gift of moving and carrying away the crowds that flocked, even from distant parishes, to hear him. Often, after one of his lengthy harangues, during which his audience, magnetized by his language, had cheered in frenzy his burning words, the crowd would carry him in triumph upon their shoulders and hail him as the saviour of his country. On such occasions he resembled the great O'Connell, conjuring up before the eyes of distracted Ireland the long bead-roll of her sorrows, and thundering, with that mighty voice that nothing could silence, against the cruelty and the tyranny of the English government. The echoes of that vehement and inspired tongue were equally heard throughout the United States and in England, and Papineau could have boasted that he was known yonder as well as at home."*

Such, then, was the man who, from 1817 to 1837, kept his place in the front rank of an agitation that resulted in the awakening of the colonial ideas of to-day. Had he never existed, it is quite probable that we would still be living under the old system, improved possibly in some way or other, but still far removed from that of self-government.

*P. J. O. Chauveau: *Journal de l'Instruction Publique*, 1871, p. 140.

CHAPTER XXVI.

Renewal of complaints against the administration, 1823—Eastern townships—The Trade Act—Debates in the Assembly—Lord Dalhousie and L. J. Papineau—Upper and Lower Canada against the family compact—Board of enquiry in the House of Commons upon the state of Lower Canada, 1828.

Under Lord Dalhousie the parties remained unchanged, and Papineau gained no ground, except that the defects of the administration were more and more exposed before the public. The Canadian party formed a compact phalanx around the speaker. He wanted to force the Imperial authorities to grant Lower Canada a larger measure of self government, but this was asking for more than what the mother country herself enjoyed in those days—and this, of course, looked like a revolutionary movement. His persistence, the constant repetition of the same claim, his vehemence in expressing his grievances gave his political ideas the colour of rebellion—but Joseph Howe and William Lyon Mackenzie followed him pretty closely in that respect, in the two adjoining provinces. If Papineau had not been the mouth-piece of a French-speaking race no difference would have been observable between the three agitators.

The scandal about grants of Crown lands to privileged individuals was not peculiar to Canada. It was the usual practice in the colonies all over the world, and no European statesman would endorse the "foolish" prudery of the Canadians in such a matter.

The minister in London had appointed Mr. Caldwell receiver-general for Canada and he was not responsible to any person in the colony. It was subsequently learned that he did not act as if he were any more responsible to London than to Quebec. Whenever the governor, or the executive council had any expenditure to meet, Mr. Caldwell was asked to sign an order for the same, and that was the end of it. Papineau wanted to examine the receiver's books, but was told that he was too curious. He insisted, but

was informed that he showed disrespect for the King, from whom Mr. Caldwell held his commission. From 1792 to 1830, and even later, the question of the country's finances was a complete mystery. In 1823, Caldwell, junior, who succeeded his father in the office, became bankrupt for half a million of dollars. The Canadians were by no means satisfied, but the oligarchy said it was none of their business. The same opinion has always prevailed in Europe as regards the finances of the colonies, so that no remonstrance on this point from these far away people met with any recognition.

The Canadians were all farmers; the majority of the English-speaking people were traders. In order to overcome the influence exercised by these latter in London, Mr. Bédard had proposed, as early as 1807 to appoint an agent, resident in Great Britain, for the purpose of attending to the interests of the province, but no decision was arrived at. There was a precedent for this step of the legislature. Prior to 1774, each of the New England colonies had an authorized agent in London, appointed by their respective provinces. Nova Scotia and New Brunswick had also, in their turn, similar representatives. The subject was taken up again in 1810, at Quebec, to establish a regular and direct intercourse between the assembly and the Imperial government as well as the commons, as a check upon the policy of the colonial office, but the bill remained on the table. In 1813, same motion, same result. The next year, Mr. Bédard, who had not long since been promoted to the bench, was designated as the agent selected by the assembly, and the legislative council was invited to name a second person to act in conjunction with that gentleman. The council answered that the proposition was made in an irregular way.

In 1815 the governor answered a similar application by stating that he was the only fit person to communicate between the legislature and His Majesty's government. Arguments were used on both sides without coming to a decision, except that the assembly selected Joseph Marryat, a member for the House of Commons, and sent him the necessary instructions for his guidance, but the legislative council vigorously protested against the appointment, and Mr. Marryat wrote that he did not feel it was his duty to mix himself up in such a difficulty, and that, moreover, the British govern-

ment would not recognize him. The influence of Chief Justice Sewell, it is said, was at the bottom of all this.

Then came Sir John Sherbrooke, in 1816, who proposed the appointment of such an agent, as it was the case in almost all the other colonies, but he failed also on account of the aforesaid influence. In 1821, James Stuart was named by the assembly with a salary of £2,000, the bill was thrown out by the council, because Mr. Gordon, holding a minor situation in the colonial office, London, had already been appointed, by the provincial executive, some years before, with a salary of £200 only. This came as a surprise, but the assembly maintained that the appointment of Mr. Gordon had nothing to do with the service of the colony, that he was an unnecessary burden on the revenue, and should be removed. In 1822, the assembly requested that some popular member of the British House of Commons be named to act in the capacity for agent for the province, to which application Lord Dalhousie replied that Mr. Gordon "has a constant, exact conduct, and that his usefulness, which is incontestable, makes it impossible either to discharge him or to efface his office." Other attempts were made in 1823, 1825, with similar results. That question was not yet settled in 1837. It was one of the grievances that led to the troubles of that time.

The petition of 1823, presented by the eastern townships, complained of the condition in which that part of the country was. The seigneuries, it said, established in the time of the French, consist of a narrow strip of land on either side of the St. Lawrence River, and the depth of which varied from ten to forty miles; this land was about half populated, principally by Canadians—save about forty thousand souls of British extraction—and was governed by French laws. The townships comprising the rest of the province are more extensive and capable of containing a much larger population than the seigneuries; they are entirely peopled by inhabitants of British extraction and by American loyalists, about 40,000 souls in all, speaking only English, having a Protestant clergy, for the maintenance of which a portion of these lands is reserved, and yet accepting the French laws, even though their lands were granted under the English form of free and common soccage. There is no court of justice within the limits of the

townships, and the colonists are obliged to go to Quebec, Three Rivers and Montreal, frequently distances of from one hundred to one hundred and fifty miles, through a country both difficult and dangerous for travel on account of the bad state of the roads—a matter to which the legislature seems to pay no attention at all. Moreover, the townships are *de facto* without any representation whatsoever in the House of Assembly. For these reasons they are favourable to the project of a legislative union of the two provinces. Of the tens of thousands of immigrants that came from Great Britain during these past years, scarcely one thousand remained in the townships—the others on seeing the sad state of things passed right through to the United States. It is estimated that we missed about one hundred thousand immigrants in this way. The townships believe that the Canadians consider themselves to be the race *par excellence* and that they wish either to swallow up the other elements or else to deprive them of fair play if they will not assimilate. The Canadians, without owing any portion of their increased numbers to immigration, have doubled twice over their population since the conquest, and they still retain the same characteristics as in that time; and they will keep them for all time if the present legislative system is maintained. If the union were adopted, eventually all national prejudices and enmities would have to disappear, and the populations of the two provinces would be blended into one homogenous mass.

The Act of 1823 creating the district of St. Francis gives it a jurisdiction to the limit of £20, and without appeal £10. It contains expressions that would lead to the conclusion that the French laws were considered as being in operation in the townships.

On the 25th November, 1823, Mr. Bourdages moved some resolutions against the *Canada Trade Act*, seconded by Mr. Vallières, stating that “the Act imposes taxes upon the country contrary to the rights of British subjects in general, and contrary to the rights of the colony in particular. . . . It changes the tenure of our lands; and it is impossible to separate the tenure from the ownership.” Mr. Papineau delivered a speech, which, from his lips, appeared extraordinary. He defended the cause of the Imperial government and declared that Lower Canada had no cause to be displeased thereat. He said that the resolutions contained principles that were neither

founded on law nor compatible with the obedience due thereto; that if we could prescribe limits to the sovereign authority of the Empire and censure its acts, it seemed to him that the relations of colony and metropolis no longer existed." The clause in the "Trade Act" concerning the tenure of lands, said he, could neither cause the country to gain nor to lose much, and consequently it was not worth the trouble of placing ourselves in an attitude that clashed with the Imperial authorities. Was it as a seigneur—a land owner—or in his quality of mandator of the people that Mr. Papineau thus expressed himself?

It would appear as if his visit to London had transformed the fiery tribune. His change of attitude caused a general surprise. The Canadian *Spectator*, a patriotic organ, says: "We are sorry to observe that Mr. Papineau and Mr. Viger have defended that Act. Mr. Bourdages' resolutions are more becoming a British subject than some doctrines in Mr. Papineau's speech. We should wish to know in what, upon principle, our situation would differ from that of a Russian or Turkish subject, if, as Mr. Papineau would have it, we are forbidden to censure any act of the Imperial legislature. We differ fundamentally from Mr. Papineau when he asserts that England by the *Canada Trade Act* has exercised a power which she never relinquished."

However, perceiving that the resolutions would not be adopted Mr. Bourdages withdrew them; but he secured a majority against Mr. Papineau for the appointment of a committee charged to prepare an address to the King regarding that same *Trade Act*, and containing important representations. This was in February, 1824. A few days later, Mr. Taschereau moved the subsidies vote, and Mr. Papineau opposed him with extreme virulence. In an admirable speech, Mr. Vallières replied, accusing Mr. Papineau of furnishing pretexts to those who sought to revive the project of the union. "The House," he said, "voted a subsidy last year in similar form, and since then nothing has taken place to justify the entire refusal of the present demand, the more so as the House, in accepting the principal motion of Mr. Taschereau, has not bound itself either in regard to the amount of the sum granted, nor in regard to the conditions usual in such cases." This speech produced a great effect, and was followed by several

tilting-bouts between Papineau and Vallières, in all of which the latter had the best of it. The final vote stood 13 to 13; and Vallières, who was speaker of the House, cast the deciding vote. Against the subsidies (estimates), were: Papineau, Cuvillier, Blanchet, Viger, Duchesnay, I. Perreault, Dessaulles, Panet, Fortin, Amiot, Paré, Bureau, and Valois; for them were: Clouet, Taché, Neilson, Quirouet, L. Lagueux, G. C. Lagueux, Robitaille, McCallum, Oldham, Bélanger, Bourdages, Davidson, Arcand and Vallières. Thus the influence of Vallières counter-balanced that of Papineau in the assembly, and it could have produced excellent results in checking the excesses to which Papineau drove it; but the composition of the House was subject to renewal, and no person could tell how the people would divide in the approaching electoral campaign.

In June, 1824, Lord Dalhousie sailed from Quebec, on leave of absence, and Sir Francis Nathaniel Burton replaced him.

The elections took place in August, 1824, and resulted in doubling the number of Papineau's supporters—this brought on a singular conflict in the assembly. When Mr. Papineau left for England, in 1822, the seat of the speaker remained vacant until the opening of the session, early in January, 1823; then Mr. Vallières was elected to the office. The new Parliament of 1824 elected Mr. Papineau by 32 votes against 12 for Mr. Vallières—8th January, 1825—showing for the first time that the old leader had an opponent in his own party. Sir Francis Nathaniel Burton accepted Mr. Papineau as speaker and reported at the close of the first session that all the differences between the two Houses had been settled, but the course followed by him was not approved of and he left Quebec on the arrival of Lord Dalhousie, not to return.

Vallières' age was the same as that of Papineau, but he had only entered public life in 1815 and did not find his place all ready for him as was the case with his rival in eloquence, consequently the mass of the people was less familiar with his name; moreover, he had the reputation of being a lover of pleasure, and, therefore, not as serious a man as would be required for a party leader.

Parliament met on the 23rd January, 1827. Mr. Papineau being elected speaker, Lord Dalhousie considered that he could not accept that gentleman

to fill that office, and this was generally anticipated. Notwithstanding this information, Mr. Papineau was presented to His Lordship for acceptance—he was refused and a message sent to the House to elect another member. Instead of complying with this command an address was returned declaring that the King's approval of the speaker was a mere form and not necessary from a constitutional point of view—and the House insisted upon the election of Mr. Papineau. Lord Dalhousie was not satisfied with the lesson given him in this respect—he dissolved the assembly.

During that session the estimates were voted upon in the same form as the previous year, and were refused. The prorogation speech was a regular harangue, and was immediately followed by the dissolution of the House. The days of Craig seemd to have come back. Papineau and several members, signed a vigorous manifesto, a real appeal to the people. The governor made answer by discharging the militia officers, and by causing Mr. Waller, the editor of the *Canadian Spectator*, to be arrested and tried.

On the 27th May, 1827, Lord Dalhousie wrote to Lord Bathurst, calling attention to the obstinate spirit of opposition in the assembly, which would listen to no reason, and he suggested a system by which he thought the mischievous influence of the leaders could be counteracted. The plan he proposed was to establish functionaries throughout the province who would be in a position and would be disposed to support the government. This was simply a revival of the scheme of Milnes to embody the Catholic clergy and the captains of militia into a corps of adherents to the policy of the executive council. The proposal was actually for the appointment of chief magistrates and lieutenants in counties, a measure which he believed to be within the prerogatives and constitutional power of the Crown.

In the elections of August, 1827, fewer supporters of the government than ever were returned, and riots had taken place in Montreal.

The assembly was to be called together in November. "From the temper of the newly elected members," said Lord Dalhousie, "you must look forward to an almost immediate prorogation."

The disputes between Lord Dalhousie and the assembly continued, and the feeling of hostility did not cease after his tenure of office as governor had terminated in 1828, when Sir James Kempt succeeded him.

Sewell, Richardson and Ryland were the principal advisers of Governors Milnes, Craig, Richmond and Dalhousie, and the most active of the three seems to have been Mr. Ryland.

Born and educated in England, Herman Witsius Ryland first entered public life in the year 1781, going out that year to New York as assistant deputy paymaster-general to the King's forces in British North America. He returned to England about 1784, and, in 1793, Lord Dorchester brought him to Canada as his confidential secretary. In this capacity he continued to serve under several successive governors of Lower Canada until 1812. He was also clerk of the executive council. He lived at Beauport for many years, after that date, and, according to tradition, kept on very good terms with his French neighbours.

"Though a strong party man, Mr. Ryland was a benevolent and kind neighbour, even to those of opposite and hostile politics . . . but it truly must be said, he was in his sympathies and antipathies, prepossessions and prejudices an Englishman to the core, and like his friend and chief, Sir James Craig, but little apt to conciliate or soothe the prejudices of a people foreign in language, religion, laws, usages and customs to those of his own country, to which they were but recently annexed by conquest and treaty. . . . The darling project of his heart was to anglify, by means compulsory and distasteful to them, the French Canadian people, who, having no wish to be anglicized by any means, would not be so 'by compulsion.' " *

Amongst the measures favoured by Mr. Ryland was the following: Whenever an officer of the militia manifested a political opinion agreeing with the majority of the House he was sure to be dismissed, put on the retired list, or made a supernumerary, by Lord Dalhousie. In 1827-28 that governor thoroughly disorganized the militia by this system.

| | Dismissed. | Retired List. | Supernu- merary. | Total. |
|---------------------------|------------|------------------|---------------------|--------|
| Lieut.-Colonels | 7 | 6 | 8 | 21 |
| Majors. | 7 | 5 | 10 | 22 |
| Captains. | 40 | 105 | 19 | 164 |
| Subalterns. | 35 | 129 | 47 | 211 |
| Staff. | 0 | 0 | 15 | 15 |
| | <hr/> | <hr/> | <hr/> | <hr/> |
| | 89 | 245 | 99 | 433 |

*Robert Christie: *History of Lower Canada*, VI., page V.

In Upper Canada similar feelings were entertained. Sir John Colborne speaks of the irritation existing against the officials of the government on account of their control over the appointments, etc. He calls that "jealousy," and he mentions the "licentious press" raising a clamour in respect to the clergy reserves, etc. In his candour, the brave soldier, wrote and acted exactly like his prototypes Milnes, Craig and Dalhousie, all because he imagined the dignity of the Crown was in peril. Whilst Francis Collins, Hugh C. Thomson and William Lyon Mackenzie, editors of papers opposing the administration, were prosecuted, other papers under government patronage were allowed to disseminate grosser and more dangerous libels against the assembly and against many public and private men. But William Lyon Mackenzie was in the field and he made use of Mr. Hume, the well-known member of the Commons, to bring the grievances of Upper Canada before the British public in addition to the petitions sent to the Imperial authorities. Nova Scotia was in the same situation.

"If there could be at the time little desire for colonies on the ground of trade, what other reasons were there to promote colonial development? It could not have been expected that the men of that time should have deduced from recent events the various lessons which have been already discussed. They merely saw in what had taken place the inevitable outcome of colonial development. *Sic vos non vobis* appeared to them a fixed historical law. In this state of thought, a tone of depression was inevitable. So far as acts could insure it, English statesmen were resolved to maintain, as long as possible, the connection with Canada. But note the language of William Huskisson in 1828. He does not doubt that our colonies will be "one day or other themselves free nations, the communicators of freedom to other nations. . . . Whether Canada is to remain for ever dependent on England or to become an independent state . . . it is still the duty and interest of this country to imbue it with English institutions." We may note that these words were spoken not very long after Canning had uttered, amidst loud cheering, his memorable hyperbole about calling a new world into existence to redress the balance of the old."*

*Hugh Edward Egerton: *History of British Colonial Policy*, London, 1897, p. 258.

“England, at that period, was the only civilized nation that enjoyed the benefits of self-government—a word which alone suffices to explain the magic transformation of ideas amongst Canadians. The first pioneers of the English language in Canada brought with them a spirit of citizenship, and not one of serfdom. A revelation had come to the former subjects of an absolute monarchy; they soon learned to distinguish between the olden system and that of a constitutional monarchy, under which the people bestowed power on representatives of their own choice, and thus governed themselves, while leaving simply to princes the task of having the laws, created by a popular Parliament, duly executed. The capitulations of Quebec and of Montreal, as well as the Treaty of Paris, have but one meaning, which may be thus expressed: “We became subjects of the King of England.” No special conditions were imposed upon, or granted to us, either by these Acts, or by any other that could be invoked. Our duty, as that of the governors, merely consisted in corresponding with the circumstances; which duty was fulfilled, notwithstanding certain difficult moments which history, that allows nothing to be omitted or forgotten, has faithfully recorded. Whatsoever we may think of the British constitution, it will ever have, at least, the almost exclusive and undeniable merit of having caused a people to pass from the absolutism of a sovereign to a participation in its own government, and of having fashioned the social organizations—formed after the invasions of Europe by the barbarians—in the practice of that democracy which now overruns the world.”*

A few extracts from a lecture delivered forty years later† by Louis-Joseph Papineau may be of some interest in this connection. After having said that he had the right to give free expression to his political convictions and faith, as well as the right to refute all who thought differently from him, Mr. Papineau added: “This is not a mere theoretical right, it is one imparted by that supreme authority which illumines every man coming into this world and which whispers to him, ‘do unto others as you would have others do unto you.’ It is a right which was only partially recognized by the articles of capitulation, which say: ‘They become British subjects.’

*Joseph Doutre: Address delivered before the Canadian Institute of Montreal, 17th December, 1867.

†Before the *Institut Canadien*, Montreal, 17th December, 1867.

This title broke for them the seal upon their lips, did away with their being Bastilled by secret orders (*lettres de cachet*), for aught that they might say, or write; this title conferred the right of full oral or written discussion, the power to call public meetings and the right of whosoever might wish to attend them; this title abolished the prearranged censure of books, and proclaimed the liberty of the press—as soon as a press would be imported into the country.

“Such, then, was the right: it was beautiful! even very beautiful! That which was the fact, was, however, ugly, very ugly! soiled and blood-bespattered! Despite these principles, thrice holy and just, Canada had not yet, since it became British, received a constitution. There had been an infinite assortment of forms of government; all of them bad. Each and all of them must and will obtain, from the impartial historian, only contempt for their defects, and the names of their authors, who organized the oppression of the majorities by the minorities, will be forever blasted.

“It is not true that the political division that was so bitter in the two Canadas, was a race war. It was as uncompromising in Upper Canada, where there was only one nationality, as it were here, where two nationalities existed. The majorities in both provinces consisted of the disinterested advocates of the rights, liberties and privileges that belonged to all British subjects. They willingly incurred the risk of the lying defamation, the dangerous anger, and, possibly, the sanguinary vengeance of minorities that were egotistical, weak in themselves, but supported by bayonets purchased with the people’s money and everywhere pointed against that same people. The most enlightened men in England and in America characterized as noble and just the efforts that our British and our Canadian friends, that I and my colleagues in the House, and our colleagues—through an identical principle and a common interest—in the Upper Canadian House, were making to secure the deliverance of our country from outrage and oppression. Through prejudice and through interest the aristocracy applauded the deeds of the colonial bureauacrisy—those light-footed nobles, who aped the grand manners and copied the practices, adepts of the Machiavelism, of those who had established them in their places. Parliament approved of their actions; reason denounced them.

“Parliament approved of their actions; but is it not true that more than the nine-tenths of the representatives in the Imperial House were strangers to all interest in and all knowledge of what was being done and of what should be done in the colonies? At such a time it was the colonial minister who should know what was required. He is paid a salary to acquire that knowledge. To him belong the honours for success, the shame for mistakes, the responsibility for all decisions; the others, like a flock of sheep, follow his lead. Otherwise is it with those men who, during all their lives, had been the friends of public rights and liberties and who never deserted them, princes in science, in justice and in law—the virtuous Sir James MacIntosh during our earlier struggles; Lord Brougham, the most universally and wonderfully learned man of our day; O’Connell, the most eloquent defender of Ireland’s rights, rights that before his time had for defenders giants of oratorical power—the Currans, the Grattans, the Plunketts, and their contemporaries; Hume, who devoted his immense fortune to the colonies and their protection, who, surrounded by four secretaries, laboured night and day, without a moment’s recreation, because the misdeeds committed by the aristocratic delegates of England, in the British possessions on the five continents and in their archipelagoes, were constantly being brought to his knowledge, with prayers for protection against the evil; these, and a host of worthy and good Englishmen both understood and praised our action. Of what importance, then, can be the ignorant and interested few who condemn us because they are paid for so doing, are interested in so doing, interested in the wiping out of all that is hostile to arbitrary power and oppression.

“As to numbers, we were ten to one in the two provinces. As to morality, disinterestedness, fairly acquired influence, we were ten times as powerful as we were in numbers. The English and the Irish peoples, through their real representatives, approved of our course; the governing and the governed amongst Americans approved of our action; the most enlightened men of the European continent gave us their approval; and, above all, our fellow-countrymen, for whom we had suffered, and who had suffered with us, approved of our deeds; and better than all these, our own consciences were an approval.

“I find the solid political doctrines of modern times condensed, explained, and offered to the affection of the peoples, for their regeneration, in a few lines to be found in the Declaration of Independence of 1776 and in the Declaration of the Rights of Man and of the Citizen, of 1789. The true socialogistic doctrines of modern times, may be summarized in a few words: To recognize, in the temporal and political orders, that there is no other authority legitimate save that which has the consent of the majority of the nation; no wise and beneficial constitutions save such as are adopted after those interested being first consulted, and to which the majority has given a free support; that every human institution is destined to undergo successive changes; that man’s continued perfecting of society gives him the right and imposes upon him the duty to exact such ameliorations as accord with every new circumstance, with every fresh requirement of the community in which he lives and dies.

“The privileged classes always imagine that prayers and complaints concerning the abuses by which they are benefited, constitute an invitation to crush them by means of violence. Dignified, just and enlightened men, whose convictions are deep, because they are the result of profound study, and of prolonged reflection, have faith in the powers of reason, and it is to reason that they appeal for the correction of such abuses. They direct their endeavours in all directions; firstly to the powerful, in order to stir up in them sentiments of pity for a people that suffers and is impoverished by those abuses. They unfold for them a picture of the glory and happiness to be attained if they could only make the social condition of their time more prosperous and more moral than was that of the preceding period. They, in the first place and by preference, address them, because having minds more cultivated they should be better prepared to consider every question of general interest in all its lights and to solve it rapidly and rightly, unless their egotism blind them. They, then, address the masses, to inform them that the sword is not in their hands, but that reason is the richest and most precious of divine gifts and that it has been nearly equally divided amongst all men; that the cultivation of the mind can increase a hundredfold our usefulness and our strength; that, to clear the land, physical strength, enlightened by experience, is required, but to build up

solid constitutions, to create good laws, and to wisely apply the same, above all it is necessary to possess a strong reasoning power, illumined not only through serious study, but, above all, by a real devotedness to the country and by the absence of any personal ambition or self-interest. Such was to be found in days gone by; such has become scarce in our days."

In a private letter to his brother, Denis-Benjamin, Mr. Papineau wrote, on the 16th June, 1828: "Political news is as abominable as the governor himself. We have had no letters from our friends since the delivery of Mr. Huskisson's . . . speech. I do not yet give up hope. Although the violent prejudices, inspired by Mr. Norton's resolution to save the governor, foreshadow nothing but misfortune, still he is so vigorously opposed by Sir J. MacIntosh and others that I believe we will have the upper hand with the committee of investigation."

Mr. Huskisson, as Secretary of State for the Colonies, having occasion to deliver a speech, made one of those mixed rhetorical displays of censure and approbation, promises and denials which may be best described as "neither fish, flesh nor good red herring"—a fast and loose style which characterized the policy of Downing Street at that time. That system of double dealing caused Papineau to use an expression about Huskisson which can only be represented in type by —.

A petition signed by eighty-seven thousand persons had been carried to London by MM. Neilson, Viger and Cuvillier. It was the subject of investigation before a committee of the House of Commons, in May-July, 1828.* The principal grievances enumerated in this document are as follows: For some years back, the state of the province, in regard to trade, the value of real estate, and industrial profits, has deteriorated. The expenses of administration are too high; there is a wasting of the revenues and the public resources; a satisfactory account of public moneys is not given. The laws prepared by the legislative assembly, for the benefit of the people, are rejected by the legislative council principally composed of persons dependent on the executive of the province. The money raised in the country has been used without the authorization of the legislature.

*Printed in Quebec, by Neilson and Cowan, 1829, pp. 388 large size, small type. Translated into French.

The revenues of the Jesuit estates are turned from their proper channel, which is the education of youth. The conditions, upon which the timbered Crown lands are granted, are disregarded. Officials of the government are making attempts in England to secure a change of the constitution. There are twenty-seven legislative councillors who receive £100 each per year. There are only nine who do not receive any salary, out of the public funds, over and above the aforementioned £100. The eighteen others have salaries, the total of which amount to £17,000 per annum; and of that number there are seven who are also members of the executive. The seven or eight members, who are the most favoured in public offices, generally do not attend the sessions. Mr. John Neilson is of opinion that the twenty who do take part in public affairs are obliged by an order of the governor to do so. The legislative assembly frequently declared that it believed in its right to appropriate the moneys of the province for the different branches of the public service, in virtue of the Quebec Act of 1774. The Act of 1778 states that the public moneys collected in the colonies shall be made use of by the legislatures of these colonies; and it adds that this will be an established principle for the guidance of all future colonial governments. Certain laws of the United Kingdom, passed in 1778, appropriated, in a permanent manner, sums of money, for different branches of the provincial service, but the House of Assembly always held that these laws were repealed by the declaratory Act of 1778. Mr. Neilson asserts that, from 1792 to 1822, the executive did not base its actions upon these old laws; but, in 1822, that body again put them in force, took them as a basis, and the division which, in consequence, followed still existed in 1828. The executive secured the support of the legislative council and claimed that it did not wish to apply the money, from these so-called permanent grants, for any other purposes than those of the civil government; but the assembly maintained that the money should not be employed by the executive in such a manner as to prevent itself from having control over its distribution.

The law affecting roads in Lower Canada is 36 Geo. III. It applies well enough in the *seigneuries* on account of the form of the lands held by the habitants, and the general level of the soil; but in the townships, it is

scarcely applicable, in view of the divisions of the lands, the positions of the reserves, and the frequent inequality of the ground. The people of the townships complain that they are systematically neglected, and they blame the House of Assembly for the same. As a matter of fact they have summer roads that lead to the United States and which do not lead to the *seigneuries* in Lower Canada. The sections of the townships adjoining the *seigneuries* are the least inhabited.

Mr. Neilson says: "As long as there was no legislative body in the colony, the regulation of all matters in all the dependencies of the Empire belonged to the Imperial authority, but from the moment that a representative body (1791) was created, that body naturally undertook the entire direction of the country's revenue, and the declaratory Act of 1778 maintains this principle, because it states that all moneys raised, after that date, in the colony, must be used by the colonial legislature. As a matter of fact, we maintained that the appropriation had been changed by the Acts of 1778 and 1791, and that it thence became one of the assembly's rights—as a legislative body should naturally have the control of the expenditure of all sums collected from its constituents. We did not pretend that the Imperial legislature had not the power to pass the Act anterior to 1778, but we claimed that the general principle is that all taxes imposed by that legislature should be applied by the colonial legislature; and as to the Act of 1774, we said there might be some doubt in that regard, because, when the Act of 1791 was passed, it was the general opinion that it repealed the Act of 1774, in as far as the subsidies, or estimates, were concerned. Consequently, through the medium of the governor, the British government sent a message to the legislature in 1794, in which it was said that, owing to the difficulties in this connection, Parliament would be asked to repeal the Act as soon as there would be a question of rights similar to those established by that Act. . . . It happened, however, that the British government never recommended the repealing of the Act of 1774 and it remained there to block the road, while we became the unfortunate victims of the quarrel to which it gave birth.

"All the Crown revenues were placed in the hands of the receiver-general, and were there kept in a very confused state. I think that the

military treasury met some of the expenditure; there was a continual exchange of funds between the civil and the military treasuries; sometimes they poured the contents of one into the other, and frequently they were both empty. . . . It was said that Great Britain paid a portion of the expenses; but each time that the House of Assembly asked to have the control of the public funds, the answer was: 'What business have you to be concerned in the matter since it is Great Britain that pays?' To tell the truth, the Act of 1791 has been suspended for the last twenty years, since the legislature has not been allowed to go on with its business, even though the members of the Lower House are summoned to meet each year.

"In other colonies the rule was established to have annual revenue bills passed, but in Lower Canada we were guilty of the folly of making such enactments permanent. These enactments are productive of more money than is needed for the maintenance of the government; yet the general expenses increased at the same time as did the revenues, and neither were ever controlled by the representatives of the people in the colony.

"What is commonly known as Crown revenues are collected under statutes anterior to 1774, as, for example, those of Charles II., George I., and the others; we have no regular statement of their results. Another portion of the Crown revenues is mentioned in the Act of 1774 (14 Geo. III.), apart from the land revenue—which likewise belongs to the Crown. All these revenues might amount to from £30,000 to £40,000 per year. Lately the total revenue of Lower Canada amounted to £90,000. The (net) revenue augmented to £150,000 per year, of which 12 or 15 per cent. went for collection—which appears to us as enormous. A quarter of the net revenue goes to Upper Canada, except in the case of the land revenue. The executive takes £40,000, so that a heavy balance remains at the disposal of the legislature for local improvements, charitable donations, etc.

"The first proposition made by the executive, and sustained by the legislative council, was to the effect that all the moneys that the assembly might vote should be accorded in a permanent manner to the civil list for the support of the government. There, they limited their demand to a vote for the lifetime of the King. The House constantly rejected these conditions. In fine the executive claimed that the salaries of certain employees of the

civil government were drawn from the funds which the Imperial statutes destined for the maintenance of the civil government and of the administration of justice. No direct proposal was made to the assembly to provide for the salaries of such and such employees, but it was asked to grant in a permanent form whatsoever it desired to give.

“In Nova Scotia, where matters ran smoothly, the whole revenue from the yearly vote depends upon the legislature, so much so that not only the construction of the budget, but also the collection of the moneys depend upon the annual vote in the legislature; there the government and the assembly act in first class harmony. In the older colonies of the Empire they persist in annually voting the estimates *en bloc*, which is not at all surprising, when we consider the peculiar circumstances that surround these colonies.

“As the government would not agree to any law for the regulation of the office and duties of an auditor of public accounts, the assembly objected to the appointment of any such officer. The executive wanted to have £1,800 per year granted to the person who would hold that position, when there is no auditing to be done at all, since the vote declares the names of all who receive the money.”

The valuable information gathered by the committee and printed in the annual blue book produced no effect upon the political body in Great Britain.

CHAPTER XXVII.

New delimitation of the counties, 1829—Defects of the administration exposed by the assembly—Salaries and other appropriations refused—The colonial office—Arrival of Lord Aylmer, 1830—Death of George IV.; ascension of William IV.—Debates in the assembly, 1831—A split in Mr. Papineau's party, 1833—The 92 resolutions, 1834—Lord Gasford and his commission, 1835—Letter from T. F. Elliott, secretary of the commission.

Owing to the disproportion in the popular representation arising from the extension of settlements and increase of population, a new division of the counties from that settled in 1792 had become necessary and in 1829 the following re-adjustment was made:—*

| COUNTIES. | SOULS. |
|----------------------|--------|
| Gaspé. | 3,567 |
| Bonaventure. | 5,110 |
| Rimouski. | 7,885 |
| Kamouraska. | 13,845 |
| L'Islet. | 13,876 |
| Bellechasse. | 13,766 |
| Dorchester. | 12,158 |
| Beauce. | 9,596 |
| Mégantic. | 750 |
| Lobinière. | 7,644 |
| Nicolet. | 12,593 |
| Yamaska. | 8,997 |
| Drummond. | 1,867 |
| Sherbrooke. | 4,491 |
| Stanstead. | 8,841 |
| Missisquoi. | 7,966 |

**Canadian Archives*, 1899, p. VI.

| COUNTIES. | SOULS. |
|------------------------|---------|
| Shefford. | 3,155 |
| Richelieu. | 17,953 |
| St. Hyacinth. | 13,574 |
| Rouville. | 15,046 |
| Verchères. | 12,595 |
| Chambly. | 11,778 |
| Laprairie. | 22,269 |
| Acadie. | 8,912 |
| Beauharnois. | 14,652 |
| Vaudreuil. | 13,797 |
| Ottawa. | 2,939 |
| Two Mountains. | 20,325 |
| Terrebonne. | 17,800 |
| Lachenaye. | 12,593 |
| L'Assomption. | 8,950 |
| Montreal. | 35,814 |
| Berthier. | 17,819 |
| St. Maurice. | 17,179 |
| Champlain. | 5,996 |
| Portneuf. | 14,642 |
| Quebec. | 30,784 |
| Montmorency. | 3,938 |
| Saguenay. | 8,366 |
| Orleans. | 4,078 |
| <hr/> | |
| Total. | 477,806 |

Another account says 432,000.

The representation of the Magdalen Islands was included in that of Gaspé; that of the town of Sorel was comprised in the county of Richelieu; that of the town of Three Rivers in the county of St. Maurice.

The scale of representation was fixed at one member for each county containing 1,000 souls, and two members for each county of 4,000 souls. In the case of Mégantic (750 souls), that county was attached to Lotbinière until its population had reached 1,000.

In addition to the county members the cities of Quebec and Montreal were each to have four members, the town of Three Rivers two, the borough of Sorel one.

The representation was thus largely increased, and it was arranged that whilst the eastern townships were to have eight representatives at the next session, these were to be increased to eleven at the next general election.

In the previous year a report stated that, with the exception of Gaspé, not a single county had an English-speaking majority.

To become an elector it was necessary to possess a habitable house, or a lot of land in a city or township, valued at £5 sterling, or to possess a farm in free and common soccage, as a fief, or by rental, to the value of 40 shillings sterling, or over.

Apart from the Canadians, the several religious denominations in the province were as follows:—

| | |
|--|--------|
| Church of England..... | 14,750 |
| Presbyterians and other Scottish churches..... | 5,547 |
| Methodists. | 2,182 |
| Baptists. | 589 |
| Other denominations | 5,739 |
| | <hr/> |
| | 28,807 |

During the session of 1829, the assembly voted a grant of £12,000 to establish and maintain lights on the east and west ends of Anticosti and Pointe des Monts, as well as a floating light at the Traverse below Quebec. The Island of Anticosti had been annexed to the province in 1826.

From 1808 to 1818 £70,000 had been spent to make roads all over the country, but the money had been lavishly wasted. From 1818 to 1828 £30,000 went in the same manner, without any system and any good result. "The affair was altogether badly conducted," says Mr. John Neilson; "it was full of confusion. I estimate that of the public moneys a sum of £150,000 had been used for various works, and that nothing of all this was permanent. The executive council was in fault for it all."

The executive council—what we now call the ministry—was nothing else than a privy committee responsible to the governor only. They had

the manipulation of the public money; their books were sealed to the public eye. Some parts of the budget were voted by the popular assembly, but the funds were spent by the council without check or control from the people. In fact, it was the reverse of the present state of things. When Mr. Papi-neau advocated the adoption of a system of control he never went so far as to ask that the ministers be made responsible to the assembly. Such a scheme was "in the air," notwithstanding, both in England and in Canada, but there is no indication that it was ever brought into shape before the national representation and made the subject of an official debate. The evil was apparent, no doubt, since so many complaints existed against it—the remedy was yet to be found.

The refusal to vote the salaries of the chairmen of quarter sessions in Montreal, Three Rivers, Quebec and Gaspé, was because they were appointed by a subordinate functionary holding his commission and receiving his salary at the pleasure of the government and having neither the rank nor that independence which might prevent his fellow subjects from regarding with uneasiness the exercise of a power of this nature over a body of men with whose uprightness and independence the happiness of the people is so intimately connected. Charges of want of qualification were made against the magistrates themselves. Robert Christie, member for Gaspé (the future historian) was said to be the chief cause of this state of things. He petitioned for an open trial, but was refused and expelled from the House, for having by his advice to the governor brought about the dismissal of justices of the peace and other officials, in consequence of their votes and speeches in the assembly. His constituents triumphantly re-elected him, but on presenting himself to take his seat he was again expelled, and it was not until the union of the two provinces that he again sat in Parliament.*

A bill which had been passed (1830) by the assembly providing that no one accepting an office of emolument under the Crown should hold a seat in the representative House, was reported upon by Mr. Ogden, the solicitor-general, as a step further to restrict the influence of the Crown which already possessed too little, he said. The acting governor referred it to the Imperial authorities—evidently to be pigeon-holed.

*See *Canadian Archives*, 1899, p. X.

The House declared that the origin of the abuses to which Lower Canada was subject was to be found in the constitution of 1791, which sanctioned the appointment by the executive power of a legislative House or council composed of members appointed for life, with a view to its forming a constituent branch of the colonial legislature. It was held that the provision was repugnant to the principles of the British constitution, and its execution was fatal to the tranquillity and prosperity of the province. The fatal consequences, it was held, were due to the immunity which was secured to the executive council by this legislative council, in the great abuse of their power.

“The legislative council consisted of sixteen Protestants and seven Catholics—twenty-three in all, twelve of whom held office under the Crown. The executive council had nine members, only one being unconnected with government and all Protestants, with one exception. The colonial office desired Sir James Kempt to ascertain whether it would be expedient to make any alteration in those two councils; how far it would be desirable to introduce a large proportion of members not holding office at the pleasure of the Crown, and, if this was desirable, whether a sufficient number of respectable persons could be found to fill the positions. On this, the governor recommended the gradual increase of the legislative council, and that the judges (except the chief justice) should not be appointed. To gain the confidence of the assembly with regard to the legislative council, he further recommended that one or two of the most distinguished members of that corps should be called to the council, and his reason for this was that it was expedient to remove the suspicion that the legislative council was under the influence of the local government and guided in its proceedings by the will of the governor, which he alleged to be an absolute misrepresentation. Lord Aylmer, who succeeded Sir James Kempt in the autumn of 1830, said that the impression on the public mind was that a sinister influence was continually operating on the governor, he being swayed to a very great degree by the executive council, and although this was not the fact, he thought that the public should be satisfied on that point and agreed with Sir James that Mr. Papineau should be appointed to the council, as his position in it would enable him to prove to the public that nothing went on there that the executive government had an interest in

concealing. Lord Aylmer (1831) said that it was impossible to go further than he did in condemning the public conduct and language of Mr. Papineau, although he esteemed his private character . . . but he wished to show that the administration was free of party connections. He also mentioned Mr. John Neilson along with Mr. Papineau and wrote: 'The introduction of these two gentlemen, enjoying the confidence of the public . . . behind the scenes, would go far towards removing the opinion above alluded to and which I can positively state, as far as regards myself, is wholly without foundation.' '*

Sir James Kempt reported in the spring of 1830 that the legislative bodies were of such inflammable material that he felt as if seated on a barrel of gunpowder, not knowing how soon an explosion might take place. The assembly, he said, had been very violent on all matters, which he had hoped were buried in oblivion. Their wrath was now directed against the judges and councils. He was trying to act as a mediator and to keep his temper, so that he might not quarrel with either House. If it were determined to give up the Crown revenues to the provinces of Upper and Lower Canada, and both Sir John Colborne and he agreed that it should be done, he said pleasantly, trust to the liberality of the legislature, instead of keeping up excitement and eternal discussions on the financial question.

That was the regime (1830-1834) under which Wm. Lyon Mackenzie was expelled four times from the assembly of Upper Canada; the opposition printing office destroyed by order of Sir John Colborne and the editor imprisoned; and Joseph Howe, in Nova Scotia was put in gaol for writing what we now call an ordinary political commentary. By this time the two above named provinces had entered the path followed by the Province of Quebec since 1793 and adopted its programme.

The two councils of the province were by their composition the natural adversaries of the assembly which was not a desirable situation for the country; and what made things still worse, the councils were linked to the colonial office in London, so that, by the means of the councils the colonial office pretended to govern the province, and by the means of the colonial office the councils were sure to be maintained in their place because they

*Dr. Douglas Brymner, *Canadian Archives*, 1899, p. XI.

acted in accordance with the views of the home government. "The colony has, in every crisis of danger and almost every detail of local government, felt the mischief of having its executive authority exercised on the other side of the Atlantic."* On the other side of the ocean was the colonial office—but, what was the colonial office?

Charles Buller's description of Mr. Mother Country is famous: "In some back room . . . you will find all the mother country which really exercises supremacy, and really maintains connection with the vast and widely-scattered colonies of Britain. We know not the name, the history or the functions of the individual, into the narrow limits of whose person we find the mother country shrunk . . . he has a modest home in the outskirts of London, with an equally modest establishment, and the colonist, who is on his road to the office, little imagines that it is the real ruler of the colonies that he sees walking over one of the bridges, or driving his own horse or riding cheek by jowl with him on the top of the short coach, as he comes into town of a morning. There are rooms in the colonial office with old and meagre furniture, book-cases crammed with colonial gazettes and newspapers, tables covered with baize, and some old and faded chairs scattered about, in which those who have personal applications to make are doomed to wait until the interview can be obtained. Here, if perchance you shall some day be forced to tarry, you will find strange, anxious-looking beings, who pace to and fro in a feverish impatience or sit dejected at the table, unable in the agitation of their thoughts to find any occupation to while away their hours, and starting every time that the door opens, in hope that the messenger is come to announce that their turn is arrived. Those are men with colonial grievances. The very messengers know them, their business and its hopelessness, and eye them with pity as they bid them wait their long and habitual period of attendance. No experienced eye can mistake their faces, once expressive of health and energy, now worn by hopes deferred and the littleness of prolonged dependence. One is a recalled governor, boiling over with a sense of mortified pride and frustrated policy; another a judge, recalled for daring to resist the compact of his colony; another a merchant, whose whole property has been destroyed

*Hugh Edward Egerton: *History of British Colonial Policy*, London, 1897, p. 260.

by some job or oversight; another the organ of the remonstrances of some colonial Parliament; another a widow, struggling for some pension, on which her hopes of existence hang; and perhaps another is a man, whose project is under consideration. Every one of these has passed hours in that dull, but anxious, attendance, and knows every nook and corner of this scene of his suffering . . . and, if by chance you should see one of them at last receive the long-desired summons, you will be struck with the nervous reluctance with which he avails himself of the permission. After a short conference you will generally see him return, with disappointment stamped on his brow, and, quitting the office, wend his long way home. Some to despair, or perhaps to return to his colony and rebel. These chambers of woe are called *The Sighing Rooms*, and those who recoil from the sight of human suffering should shun the ill-omened precincts."

"Lord Durham noticed that one reason to account for Canadian maladministration was to be found in the frequent change in the office of the secretary of state, to whom colonial affairs were entrusted. Since Lord Bathurst had retired from that charge in 1827, he observed that there had been no fewer than eight colonial secretaries; and the policy of each one had been marked, more or less, by a difference in method from that of his predecessor."*

"Instead of selecting a governor with an entire confidence in his ability to use his local knowledge of the real state of the colony in a manner which local observation and practical experience best prescribe to him, it has been the policy of the colonial department, not only at the outset to instruct a governor as to general policy which he was to carry into effect, but to direct him by instructions, sometimes very precise, as to the course which he is to pursue in every important particular of his administration."†

"In those days, few British statemen thought it possible to give to colonists the same privileges as those enjoyed in the motherland; and men who, had they been colonists, would have been amongst the leading agitators for reform, were inclined to think that the desire of the Canadians to control the public money showed a want of loyalty."‡

*Rev. Wm. Parr Greswell: *Growth of the British Colonies*, London, 1898, p. 14.

†Lord Durham: *A Report on the State of Canada*, 1839.

‡Emily P. Weaver: *Canadian History*, p. 214.

Lord Dalhousie had left the province on the 8th of September, 1828, when Sir James Kempt assumed the administration. King William IV. began to reign, 26th of June, 1830. Lord Aylmer arrived at Quebec on the 13th October following, to relieve Sir James, who sailed for England a week later. Then, on the 3rd of February, 1831, Lord Aylmer was made governor-general.

Lord Aylmer wrote to Lord Goderich on the 17th January, 1831, that, at first, he entertained the belief that the opposition to the government by the assembly arose from the desire to sever the connection with Great Britain, but he is more and more convinced, on investigation, that Canadians of all descriptions cling with the strongest feeling to their connection with the mother country, and that the Canadians of French origin would be acted on with peculiar force by the idea of a severance, as they dread the predominance of a British population and are hostile to all connection with the United States. He urges the policy of conciliating the good-will of the Canadians by indulging their preference for the laws and institutions of French origin, and he considers this is the more necessary as what is called the English party is constantly proclaiming that it is the settled purpose of Great Britain to do away with these. A good instance of the attachment of the French Canadians to their own laws, he adds, is the fact that in no one instance has a French Canadian availed himself of the permission to change the tenure of his lands from seigniorial to that of free and common soccage.

“During the session of 1831, the governor asked the assembly to vote, during the life of the King, the salaries of the leader of the government, the civil secretary, the provincial secretary, the attorney-general and the solicitor-general. These salaries, with those of the judges, a few pensions, and some other small amounts, formed a civil list of £19,000. This request was discussed in committee of the whole; the committee adjourned without making any report, which was equivalent to a rejection. Never did the House commit such a grave mistake. Already a fatal influence swept it on and beyond the limits of ordinary prudence. A large number of young men had been elected by the people. They brought with them their exaggerated

ideas,* and they served to excite their leaders, who, after the protracted struggle which they had just gone through, stood more in need of being restrained than of being hurried on towards fresh dangers. Messrs. La Fontaine, Morin, de Bleury, Rodier, etc., considered that there were signs of weakening in the midst of this movement. They claimed that all the rights and all the privileges which undoubtedly belong to the inhabitants of the new world, should be obtained, that there was nothing to fear in thus insisting; were not the United States beside us ready to receive us with open arms,† were we to be injured in such a sacred fight? They opposed all compromise, all bargaining. They grouped around Papineau and promised him an unshakeable support.’’‡ Mr. Chauveau adds to this that Lord Aylmer’s proposals, sanctioned by Lord Goderich, granted about everything that had been demanded.

In August, 1830, a ship load of pauper emigrants was landed at Quebec, sent by the magistrates of the county of Killaloe, for whom no work could be found anywhere and they had to subsist on public charity.

From 1790 to 1815 it is estimated that 5,000 immigrants arrived by sea, and that 2,000 others came by way of Gaspé and New Carlisle. From 1815 to 1830 there arrived at Quebec 168,615 persons of that class, according to the immigration agent, but that figure is considered short of the actual numbers.

During the years 1816-1822, the exports of wheat averaged 195,386 bushels; of barrels of flour, 28,323; and of hundredweight of biscuits, 9,694 annually.

From 1824 to 1830 the export of wheat and flour amounted to:—

| | | | | | | |
|-----------|---------|---------------|--------|----------------|--|--|
| 1824..... | 5,396 | nimots wheat. | 41,001 | barrels flour. | | |
| 1825..... | 718,019 | “ “ | 40,003 | “ “ | | |
| 1826..... | 228,635 | “ “ | 33,671 | “ “ | | |
| 1827..... | 391,420 | “ “ | 53,839 | “ “ | | |
| 1829..... | 40,462 | “ “ | 2,859 | “ “ | | |
| 1830..... | 590,081 | “ “ | 35,836 | “ “ | | |

*The result of the French Revolution of 1830.

†A great mistake, for our neighbours did not sympathize with the Rebellion of 1837 in the Canadas, at least as a government.

‡Garneau III., 292.

The following table shows the number and tonnage of sea-going vessels built at Quebec:—

1791, 12, tonnage 574; 1801, 24, tonnage, 3,404; 1811, 54, tonnage 13,691; 1821, 22, tonnage, 2,254; 1831, 38, tonnage, 6,170; 1841, 64, tonnage, 23,122; 1851, 66, tonnage, 41,605; 1861, 51, tonnage, 25,546.

In 1831 vessels coming to Montreal continued to report at Quebec. The navigation between Montreal and Quebec was rendered speedy and certain by the employment of tow-boats, but the necessity of entering the vessels at the Quebec custom house caused a delay of one and sometimes of two days in unloading. Additional delay was only avoided by the consignee of the vessel paying the estimated amount of the Crown duties, which were often payable by twenty different consignees and could only be collected after the quarterly returns had been made by the Montreal officers to Quebec. Other complaints were constantly being made on several other points in this connection.

Now, the resistance of the assembly and their obstinacy in forcing all the claims together and accepting no compromise even if only a single item was to be left aside had the effect of exciting the popular element to action. At the general elections of May, 1832, a riot burst out in Montreal, the troops fired and some people were killed. The reform press, English and French, increased the blaze by virulent articles calculated to put the country in a state of revolution.

Another calamity was close at hand. On the 9th of June cholera made its appearance in Quebec—and all know with what terrible result to the whole province. This was coupled with an uncommonly large Irish immigration caused by a general famine in Ireland.

“The political battle continued to be for the right of the assembly alone, to sit and to distribute the taxation. In this, again, the intervention of the Imperial Parliament was pernicious, unconstitutional, contrary to the most fixedly established rights of British subjects, be it at home or in the colonies. All the colonies that had representatives dealt with their entire revenues, by means of votes in their elective chambers; this same right was denied to the Canadians only.”*

*L. J. Papineau: Speech delivered before the Institut Canadien de Montréal, the 17th December, 1867.

Mr. Ryland wrote from Beauport to Lord Aylmer, on the 14th of August, 1833: "If the preposterous pretensions of the assembly, to prescribe by an annual bill the terms and conditions on which every servant of the Crown in this province shall be admitted to office were acceded to, few Englishmen would wish for office here, and emigration to this part of the British dominions would be put an end to, till such time as the rapidly increasing population of Upper Canada should pour down upon and overwhelm the French inhabitants of the lower province, and this time it appears to me is not far distant for, by all we hear and read concerning the improvements in that part of His Majesty's dominions, we are justified in believing that its population is augmented by the adoption of a system which produces as great and astonishing effects as those derived from steam in the various uses to which it is applied. I feel confident, therefore, that the policy of the government with respect to the Canadas must shortly be changed, and that their union under one legislature, must soon take place. I cannot, on this occasion, refrain from noticing the deplorable state to which the officers of the government in this province are reduced by the withholding of their salaries for so long a period. . . . I apprehend that the next session of the Provincial Legislature will be as unsatisfactory to Your Lordship as it will be to every man who is influenced by principles of loyalty, and a sincere attachment to the British constitution." To this, Lord Aylmer answered: "I believe there exists no difference of opinion between us on the subject of your letter of the 14th."

It was in 1833 that Papineau separated from Neilson, Cuvillier, Parent, Quesnel and others, or rather that they separated from him, because they did not wish, even while being men of liberal opinions, to launch into a conflict with England. Papineau prepared the 92 resolutions under the form of a list of the grievances of the Canadians, as an instrument to cut away all possibility of conciliation. He passed the Rubicon with drums, fifes, and colours flying.

The famous Ninety-two Resolutions were prepared in the house of Elzéar Bédard, a son of Pierre Bédard, by the members who constituted Papineau's following. It is a bulky document which recites all that had been said against the administration for forty years. After all the items

had been written and corrected one by one, Augustin Norbert Morin was selected to place them in the form of regular resolutions, and, on the 21st February, 1834, Elzéar Bédard introduced them in the assembly. M. Papi-neau said on that occasion: "It is now a long time we have been complaining, and we all agree as to our wrongs; the difficulty, however, is to remedy them. There are some people who, being full of European constitutions, explain them as they conceive them to us. It is no business of ours to pass judgment upon the institutions of Europe, for we are not in a position to properly judge them. Rather let us consider our own future, and prepare a happy one for our country. There exist to-day positive signs that before long the whole of America will be republican. If it be necessary to change our constitution, should it be done with a view to these forecasting signs? Would it be a crime to ask that it be so? Every member of this House owes his place to the people he represents, and, even were he to be massacred by the soldiery a moment later, he dare not hesitate to pronounce in favour of such a change, if he considers it to be for the good of his country. It is only necessary to learn how we live in America and how others have lived here. England, even England herself, laid on this continent the foundations of a powerful republic, wherein liberty, morality, commerce and the arts all flourished. The Spanish and French colonies, under political institutions less free, were more unfortunate. Is the British system, in the colonies, therefore more aristocratic than democratic? And even in England, itself, is that system purely aristocratic? Mr. Stanley (the colonial minister) commits a grave error in speaking about the monarchical government of England in 1834. Since the time of the Stuarts they who supported the monarchical power lost their heads upon the scaffold. Since that period the British constitution has been a mixed one, and cannot be designated otherwise. And it is this Mr. Stanley, who became a minister in virtue of a vote of the House of Commons, against the wishes of the King, to whom the alternative of accepting him, as a minister, or losing his own Crown, was offered; it is this same man, despised to-day by the people, who talks to us about the monarchical government of England—where the English, themselves, grown so great through their commerce, their institutions, and the progress that they cause civilization to make in all parts of the world, can change that whole government at their will!"

The resolutions repeated the old complaints against the officials, and asked that the legislative council be elected by the people, which would have put them under the power of the electors. In the debate which followed, Papineau and many of his partisans spoke wildly and recklessly, after which the House voted money for local improvements and charitable purposes only, and, at last, the members went home without waiting for the governor to dismiss them.

“After the adoption of the 92 resolutions, Lord Gosford stated in both Houses that he would not dare predict the consequences that would result from the rejection of the proposals of agreement and peace which he had made to this country. This outcome of the situation drove the fumes of excitement as thick as possible into the minds of the people. An address, from seven hundred electors of Quebec, was presented to Mr. Papineau, towards the end of the session, which applauded his course, and pushed him onward in the direction of the inevitable abyss. For some time back the Liberal party of Upper Canada had held more frequent communication with him. The majority of the House in that province even rallied for a moment around Mr. Mackenzie’s party, as did Sir Francis Bond Head’s executive council.”*

Mr. John Arthur Roebuck, in the Imperial Parliament, 15th of April, 1834, moved for a select committee to enquire into the political conditions of the Canadas, adding that these provinces, in consequence of continuous bad government, are in a state approaching to open revolt. The committee reported, 3rd July following, that the matter “may best be left to the mature consideration of the government,” which means that the committee had been composed, purposely, of individuals already prepared to stifle (*étouffer*) the investigation, and this is the more apparent when we read in their report that the administration had taken steps to carry out the suggestions of the enquiry of 1828, whilst we know that nothing was done.

On the 4th of August Mr. Hume presented to the Imperial Parliament Mr. Bédard’s ninety-two resolutions, signed by 18,083 people. “Mr. Rice passed censure upon a letter published by Mr. Hume in the press, and in which the latter advised the Canadians to resist the establishment of the

*Garneau, III., 329.

baneful domination of the English government. 'It does not become,' said Mr. Rice, 'a man who speaks under shelter in the House of Commons, to give advice which might inflict such grave injury upon England and upon Canada. If arms are taken up, I hope that the laws will punish all who may have taken part in the conspiracy.' '*•

Lord Aylmer had declared that the people were quiet, and that the members of the assembly were to blame for all the trouble; but soon the whole country was in a blaze of excitement. Committees were formed in all the towns to keep up the agitation and to correspond with the reformers of the other provinces, and the people were urged not to buy British goods. This violence alarmed the more moderate reformers, and the official party still petitioned the King to allow no change to be made.

As might be expected, after having fought for over twenty years to obtain a series of reforms, the greater number of which had been refused him, Papineau set down in that list of grievances the pith of the many questions that had been raised throughout that long debate; and he could count upon the understanding of the masses, for each one of these questions had been discussed, commented upon and brought up repeatedly at the public meetings. The electors were educated upon all these points. If you will that education was slow, but it was as rapid as that of any other people in the world—for it takes time before a new political programme is fully understood by the majority of men.

The general elections took place in the autumn of 1834. There was disturbance in Montreal and elsewhere. In Montreal, on account of the violence manifested, the election contest had to be suspended. At Sorel one man was killed by a gun-shot. The English element, combined with a few Canadians, headed by Mr. Neilson and Mr. Walker, had, at the time, in Quebec, Montreal and Three Rivers, established constitutional associations in opposition to the partisans of the majority in the House. These assemblies sent petitions to the King similar to those which the merchants had already confided to Lord Aylmer, and they instructed Mr. Neilson and Mr. Walker to take them to London. However, there were many Englishmen who participated in the sentiments of the Canadians, and six or seven of

*Garneau, III., 314.

them were elected through the influence of the latter. The eastern townships, which were inhabited by English people, pronounced in favour of the reformers. On their invitation, Mr. Papineau, accompanied by several representatives of the people, went to Stanstead, where the committees, established in that section of the country, received him with all honours. Hundreds of people called upon him the day of his arrival, and the *Vindicator* stated that amongst them were noticed several Americans from the States of New Hampshire and Vermont, amongst others General Fletcher. In the evening he was banquetted by two hundred guests.”*

The first session of 1835 lasted from the 21st February to the 18th March. At the beginning of that period, Lord Aylmer wrote to the minister that he had given eighty positions to the Canadians, who constituted three-fourths of the population, but so great was the partiality before his time, and so deep-rooted were the abuses, that he had to give sixty-two positions to the English element, which only comprised a fourth of that population. As to the salaries and emoluments attached to these sixty-two positions, they were greatly in excess of those belonging to the other eighty. The English officials received £58,000, and the Canadian officials only £13,500. The latter were excluded from the executive department, the Crown lands office, the customs, and the post office departments. The administration of justice was so divided that the English got £28,000 and the Canadians £8,000.

In the spring of 1835, Sir Robert Peel's† new ministry appointed Lord Gosford, Sir Charles Grey and Sir George Gipps as a commission to visit Canada and inquire into the political situation in the colony; the commissioners reached Quebec on the 23rd of August, and Lord Aylmer sailed for England on the 15th of the next month. Lord Gosford invited Mr. L. J. Papineau and M. D. B. Viger to dinner; he visited the classes in the Quebec Seminary; he gave a grand ball on Ste. Catharine's Day, which is an annual feast in the province, and he charmed every one with his politeness.

In September, 1835, the Liberal members of the council and of the assembly met at Three Rivers, at the residence of Mr. René Kimber, to come to an understanding regarding the course to be adopted before the commis-

*Garneau, III., 315.

†Lord Glenelg was Colonial Minister.

sion. The district of Quebec declined to take part in that meeting, so that there were present only the representatives from the districts of Montreal and Three Rivers.

"What I want," said Mr. Papineau, "is a government consisting of men friendly to the laws, to liberty, to justice, of men ready to protect without distinction all citizens, and to grant them all the same privileges. I love, I respect all men, irrespective of race; but I hate those haughty descendants of the conquerors, who come to our country to dispute our political and religious rights. If they cannot amalgamate with us, let them remain in their native island! There is no difference between them and us; and here we are all on a footing of complete equality. . . . They who seek the enjoyment of exclusive privileges, whilst doubtless disapproving of them in the depths of their hearts, will be, themselves, the first victims of such an injustice. Even supposing that they made another Acadia of Canada and that they could expropriate the whole French population, they would soon be divided amongst themselves." Later on he said: "Our efforts were not for the purpose of blasting the commission and its rotten surroundings, rather were they intended to convince our adversaries of the justness of our views in regard to matters of administration. Our struggle was not, therefore, like a revolution raised against the iniquities of governments and seeking to crush them, through a conviction that they could never ameliorate."

The three commissioners were alike in want of political experience, lack of talents and a firm conviction that nothing beneficial could result from their mission. They acted under the fear of the official party. Their presence in the colony was the cause of derision—for they were ostensibly looking for the discovery of a secret which had been ventilated on several occasions before the Imperial authorities and the people of Great Britain. The provincial assembly refused to recognize them, but furnished all the information they wished for and treated them politely.

The secretary of the Gosford commission was T. Frederick Elliott, a nephew of Lord Minto, one of His Majesty's ministers; he did not lose any time before enquiring into the business of the province after his own manner, which was that of a man of sense and a deep observer. The following

letter from him, dated at Quebec, 24th October, 1835, deserves to be read with attention:—

“People have been accustomed in England to hear of only two parties in Canada; the English and the French, but there are in fact three parties, the official, the English and the French, besides some important French classes altogether distinct from the party which goes by that name.

“The official, or as the French term it, Bureaucratic party, is composed of a few old men holding the highest offices. They seem to be fond of privilege, jealous of interference, and ready to hold office at any inquiry into the popular allegations. Most of them are dull, and those who are the reverse are said to be interested. It is of very little consequence what they are. Whatever influence they may have formerly exercised through the instrumentality of weak governors, they are now destitute of any of the real elements of power, having neither connections at home (England) nor weight in the province. If there be a body in the world, which may, without fear, be handled according to its merits, that is the high official party of Canada. In the province itself it is very difficult to say by which great divisions of the people it is detested the most.

“Very different from this feeble corps is the real ‘English party.’ It is composed of almost all the merchants, with an admixture of considerable landholders, and of some of the younger and more intelligent civil officers. It possesses much wealth and still more credit, and in addition to these it has all that mutual confidence and that precision and unity of purpose, which, to do our countrymen justice, they know better than any other people how to confer on political associations. This imposing body, moreover, has great advantage at the present moment in the moderation of tone which it can assume in contrast with the violence of its adversaries, thus gaining the good-will, if not the overt support, of the numerous portion of society which prefer security and a tranquil life to everything else. Yet I do not like the English party. It is fully as ambitious of dominion as the French party, and in my opinion, prepared to seek it by more unscrupulous means. Whenever either of the two at the present moment speaks of separation, I look upon it as a mere bombast or artifice to bend the course of the government, but, depend upon it, that if ever these hot-heads in Lower Can-

ada should go so far as to hazard the connection with the mother country, the English will be the foremost to cut the tie. They, of the two parties, are by far the best disposed to sympathize with republican institutions. They are the more rancorous, for they remember the power they have lost, and hate their rivals as a lot of usurpers."

How singularly this letter, written more than seventy years ago, reads, especially when one recalls the memorable utterance of the late Sir E. P. Taché, A.D.C. to the Queen: "The last gun fired on Canadian soil in favour of England will be by a French Canadian."

Mr. Elliott disposes of the opinion prevalent in some quarters to this day, that the insurrection of 1837 was a mere question of race, French *versus* English; whereas, far from being confined to the French element, it had for its most strenuous leaders and organizers, men of quite another race than the French—such as Drs. Wolfred Nelson, Robert Nelson, Scott, Tracy, T. S. Brown, O'Callaghan, Girod, Hindelang, Samuel Newcome, B. Mott and others.

A second letter from Mr. Elliott contains also bits of information, new and curious. After alluding to the opening of the session (27th October, 1835), and to the doubt whether in voting the arrears of the last two years, the assembly would include repayment of the sum of £31,000, advanced to the civil servants out of the military chest, he says: "If Mr. Spring Rice himself had been there he could not have wished to hear more home truths than I delivered on the subjects to two or three French members with whom I dined *en petit comité*, among whom was the editor of *Le Canadien* (Mr. Etienne Parent). It is astonishing how this country has been mismanaged. When I came to know the men whom the military rulers here have been accustomed to regard as little better than traitors and little wiser than children, I am surprised to find (1) on what friendly bases their views generally are founded, and (2) how much superior are their perceptions in political science to those of the men by whom they have been so arrogantly despised."

CHAPTER XXVIII.

Session of 1835—Session of 1836—Letter from T. F. Elliott—Lord John Russell's Resolutions, 1837—Mass meetings—Queen Victoria's ascension to the throne—Session of 1837—The clergy advise prudence and loyalty—Troubles in Upper Canada—Warrants issued for the arrest of leaders in Lower Canada—Insurrections on the Richelieu River and county of Two Mountains—The Constitution is suspended, 1838—Lord Durham arrives—Prisoners released, others exiled, others executed—Lord Durham's departure—Second insurrection—Sir John Colborne's severity—Lord Durham's report, 1839—The Union Bill, 1840—Meeting of the new assembly in Kingston, 1841.

The gross amount of revenue for the year ending 10th October, 1835, was £205,910 currency, leaving, after deduction of all expenses of collection, incidentals, drawbacks, also £54,876 to Upper Canada, for its portion of the duties levied in the lower province, a net amount of £140,747 currency.

The assembly set to work as soon as opened (27th October, 1835) and investigated the accounts and the conduct of eight or ten public functionaries who were either dismissed or censured. Then followed a remonstrance against a speech from Sir John Colborne, Lieut.-Governor of Upper Canada.

Three hundred bills passed by the assembly had been pigeon-holed during the last years. There was no remedy to the situation because the officials in the province, like those in Upper Canada, Nova Scotia and New Brunswick would not concede any point and were determined to rule by themselves, with the support of the colonial office, against the will of the assemblies.

The fate of the Canadians was bound up in that of the 92 resolutions. It was a case of Cortez burning his vessels, it was an *ultimatum* to England. Could these demands for reforms be met with a refusal? If so, there remained only to revolt. It is for this reason that several members, and, very

soon, all the members from the districts of Quebec and Three Rivers, declined to follow in such a movement. There was no disloyalty in the population. Common sense advised them not to knock their head against a wall, therefore they would rather wait in the hope of better days than offer a decisive and violent resistance.

During the session of 1836, Papineau accepted the responsibility for the 92 resolutions. "We seek to know," said he, "if, in the political situation of the country, there exist any new circumstances that might justify the conduct of those who seem to desert the national cause, and to separate from the vast majority of their fellow-citizens whose suffrages ratified, in the election booths, the voting of the 92 resolutions. In this great discussion principles must above all be taken into consideration. We struggle against a colonial system which, as it is applied to us by Lord Glenelg contains in its very essence the germs of every species of corruption and disorder. We are called upon to defend the cause and the rights of all British colonies. The same evil genius which drove, despite itself, the older colonies into the highway of a just and glorious resistance, now influences our destinies! It has inspired the instructions given to the commission which is changing our relations with the government, which has destroyed whatever title it had to the confidence of the popular representatives. It means a formal refusal to pay any attention to the complaints from Upper and Lower Canada. . .

"Could you imagine a more ill-conceived plan than that of sending out three commissioners, who had never seen each other before, and each one of whom carried secret communications and correspondences? Is there any sign of wisdom in such a combination? And the results were not long in becoming manifest. A few hours, so to speak, after their arrival, the public was made aware that they disagreed between themselves on every point. How could we, then, expect that they would be unanimous in regard to our political difficulties, and that their well-known differences of opinion concerning the politics of their own country would be the prelude to like diversity of views in regard to the politics of our land? Did we not see how they flung themselves into opposing sections and societies, and how the English press soon rang with attacks upon that party which they called Radical, and with praises for that other party known as Tory? We were

promised that this mixture would give birth to order and justice. . . . Let us not fall asleep upon the brink of a precipice; let us not be deceived by any dreams, lest, instead of attaining those enchanting realities, we roll into the gulf. . . .”

The plurality of offices occupied the House for a while; complaints against Lord Aylmer, the deputy postmaster-general and the receiver-general were the subject of lengthy speeches. In brief, when the governor prorogued the session on the 21st of March, 1836, he could say: “It is to me matter of sincere regret, that the offers of peace and conciliation, of which I was the bearer to this country, have not led to the result which I had hoped for. . . . Of the fifty-nine bills that have passed both Houses during the session, I have given the Royal assent to all, save one, namely, the bill for establishing a railroad between the River St. Lawrence and the province line, as it affects the King’s prerogative in the disposal of the waste lands of the Crown”—probably also because it was a road leading to the United States.

This was the last of constitutional legislation in Lower Canada. During the thirteen days’ session of September, 1836, no bill was passed, and none either in 1837. In 1836 (October) the assembly, in an address to the governor, declined to vote a supply for government expenses, until there was an elective legislative council, and other reforms. This made matters plain enough, but it stopped the operations of government.

Writing about the official party, Mr. Elliott does not hesitate to express his dislike for them, and he adds: “I take pleasure in stating this broadly, because once, from a quarter whence trifling objections too often come, my ears were shocked, on board of ship, with some talk of ‘danger’ from these men. They would write to their friends in England, they would give their own version of things, and would raise a clamour against the commission, if they were annoyed. Why, if their friends numbered legions, I should trust that no mission, sent on such an errand as ours, could shrink from exposing any abuses that might be detected amongst them.

“The ‘French party,’ if you confine the term to those who have thoughts, projects and feelings of their own, seems to be nearly synonymous with the majority of the House of Assembly, or rather with that small por-

tion of it which has any mind in politics. In conformity with the descriptions we have always had, the assembly consists mainly of advocates, physicians and farmers, the last very ignorant of politics and indifferent to them, and ambitious of their seats, as it is said, for no other object than the gain. The daily pay of \$2.00 enables them to make no contemptible savings in a long session, especially as their wives are usually competent to manage their farms in their absence. It is true, as you may have heard it reported, that two or three of the members cannot write their names, and it is said that others, who have had the spirit to learn to trace the characters composing their signatures, have no further insight into the mysteries of reading and writing. Without entering too much into detail, I may state to you once for all, that the bulk of the assembly is inert, and that the few members possessed of activity and intelligence, work in entire subordination to Papineau, of whom they stand in profound awe.

“This is perhaps the most remarkable feature in the aspect of affairs here, that men, who, by the unbounded confidence and assent of their constituents, have so great power, quarrel so little for the shares, but willingly surrender the whole into the hands of one individual.

“Lower Canada is divided into four districts, of which the Quebec district contains nearly one-third of the whole population, and returns more than a fourth of all the representatives. Three men, it is notorious, are the undisputed arbiters of the public conduct of this great district, having the command of every name in it for any petition they please, and of every vote for any candidate they choose to recommend. Other regions have in like manner their centurions and captains of ten thousand. Is it not almost beyond belief that the possessors of such influence, not merely should not oppose Mr. Papineau (that might proceed from unfeigned coincidence of sentiment), but should not venture to dream of the possibility of opposing him? In confidence they will talk of their fear of his choice of measures, just as if he were in his own person the whole assembly united.

“I have anxiously sought the solution of this phenomenon. The Quebec leaders, I have learned, flatter themselves that they act from prudence, because, as they argue, while they are outnumbered by the Montreal members, who are under Papineau's more immediate influence, it would be

an unjustifiable disturbance of the assembly to insist on any but fundamental differences of opinion. Others, again, hug themselves with the notion that Papineau is their instrument. Heaven help their wits! That being the most audacious among them, they place him in front of the battle, but voluntarily, and with power to set him aside at pleasure. These ideas may be agreeable salve to people's self-love. The real explanation of the case, I fear, is, that the Canadians want nerve and enterprise in public things, and that just as they used to follow the lead of three or four Englishmen, so now the impetuosity and oratorical talents of Papineau command from them an unqualified submission. He is, in truth, their master. Their natures crave for support, and they will always seek it in characters more vigorous than their own. I never saw any one who seemed better versed than the Canadian speaker, in the arts and demeanour by which one man wields dominion over the minds of many, and he is daily becoming more confirmed in his sway, as they are in their obedience. Such is the man that a few of his followers have the presumption to suppose that they can set aside, when no longer serviceable. It is just as likely that all your sheep in England will rise up and address the sheep-dog, and say: 'While we wanted you it was well, but there are no more wolves, and we will take care of ourselves and dispense with your canine guardianship.' One look from Papineau's eyes would quell his whole Canadian flock.

"The truth is, that Papineau, with all his faults, is rather a fine fellow. I dare say we shall find him perverse and suspicious, and that if ever he quarrels with us, he will be coarsely abusive. Still the good points of his character are not to be denied. He seems to be irreproachable in his private life; in social intercourse he is mild and gentlemanlike; and if, in politics, he is too hot and unmeasured in his proceedings, I do not find that reasonable men accuse him of being dishonest. His principal faults are violence, a want of the plainer sort of sense, and, I fear, an inveterate prejudice against the English. Whatever else he be, it is impossible to set eyes on him, and not perceive that he is by nature, as much as by the station he has won for himself, the first of the French Canadian race.

"Independently of temporary causes and the influence of ambitious men, there appears to me to be a deeper motive calculated to bind the

French party together, and give a general direction to the policy. They can hardly fail to see that the English have possessed themselves of the whole wealth and power of every country in which they have acquired a footing. In all parts of the world, civilized or savage, whether as British subjects in the East or as revolted colonists on this continent, there has shown itself in the English people the same impossibility of amalgamation with others, the same necessity of gaining the upper hand themselves. This, it must be admitted, can form no pleasing topic of consideration for the mild and uncontentious race who find themselves here, imbedded in the midst of growing settlements and nations of Englishmen. Whatever political power they may for the moment possess within the limits of their own province, even there their more active rivals have hold of all the commerce of the country, and beyond the artificial boundaries which distinguish theirs from adjacent regions, they are surrounded on all sides by millions using the language and the customs of which they have so much reason to dread the ascendancy. Looking to the circumstances, I cannot think that the French Canadians would be very unreasonable to dread some future extinction of their own tongue and peculiar habits, and whether or not any of them extend their views so far, it is not to be doubted that some amongst them fear a lapse into insignificance.

“In fact the real question between the parties in this country is a question of time. The French cannot in their hearts be ignorant that they have a full measure of power at this moment, but they see it continually inclined, as it were, to pass into the grasp of others, and so they are restless and jealous. The English, on the other hand, must be confident that the dominion of the country will eventually centre in their race; but they are impatient and wish to seize the prize before it is legitimately theirs. Both parties are at present in their proper places. Each, however, is striving, one to precipitate, the other to avert, or at any rate postpone, a transaction which will eventually be the proper effect of the institutions of the province. In the meanwhile collateral objects will arise in the course of the struggle, and results will be valued by the contending parties, not merely as they may advance their own cause, but as they may injure or humiliate their adversaries. The government will not be esteemed

according to its independent merits or its courageous impartiality; it will be judged by the extent to which its views may fall in with the purposes of one or other of the factions. Lord Aylmer's administration was, at the outset, the ridicule and scorn of the constitutionalists (as they are now misnamed); yet, when the fractiousness of the French drove Lord Aylmer from that class, the English received him with open arms, and I myself saw them following him to the beach with their acclamations, and their praises, and almost their tears.

“If ever the opportunity be presented to the ‘English party’ of joining in some common cause with their English fellow-colonists in the upper province, they will see that to combine with such allies in renouncing the control of the English government in Europe, will be their surest means to overwhelm the influence of the French race in America. If ever the project of the union of the Canadas be revived, it will be well for us if the part of England be not left out of the plot.

“The Canadians, owing to the natural effect of free institutions, are governing the country, and are learning the lessons which that practice teaches. The English merchants, in the meanwhile, swelling with indignation at their own want of power, are exercising themselves in no school but that of agitation and remonstrance. Here they are very skilful, but soon they will be fitter to disturb a government than to conduct it, while their rivals, it is to be hoped, may steadily improve. For this desirable end, however, the municipal institutions of Canada ought to be extended much more widely; Canadians ought to be more prominently employed in official stations, and every effort be made to train them to the wise use of that power which, unless you deprive them of English institutions, they must inevitably exercise as the great majority of the society. . . . Since the Canadians must at present predominate, it is far better to endeavour to qualify them for power than vainly seek to exclude them.

“One of the first members of the popular party in the House of Assembly told me that if, to the control which the assembly was to have over all the finances, were added a responsible executive council of government, he would desire no more, but would waive all particular grievances and all demands of an elective legislative council. This project of having

three or five salaried councillors, to be chosen from the leading men of the colony, with seats in the legislature, and bound to get supplies or vacate their posts, seems to be fast gaining ground. Papineau dislikes it, because he knows it would put a bit in his mouth, but he confessed to me the other day, that from the strong feeling in its favour in the assembly, and from the approval of the same object among the popular party in Upper Canada, with whom he is very desirous to co-operate, he should be disposed not to press his individual opposition to the scheme. If the commissioners could devise some secure and acceptable mode of realizing it, I am persuaded that they would do more, to prolong the harmonious connection with Canada than by endless investigations of details; but I know not whether they will entertain the subject. Lord Howick was strongly prepossessed towards such a measure, when last I saw him in England, and indeed he is the first person by whom I ever heard it mentioned."

Towards the middle of April, 1837, the resolutions presented by Lord John Russell and adopted by the House of Commons became known in Canada. They produced great excitement, as they rejected the measures proposed by the assembly for the reform of the provincial administration, and moreover, the governor was authorized to use the funds in the public chest without the concurrence of the popular branch of the legislature. An extraordinarily high feeling spread amidst the population of the district of Montreal, and in some other localities down to Kamouraska. The newspapers on both sides attacked each other virulently. It was the sole topic of conversation, and generally of the most violent character. Even the distress of the year—a regular famine—and the terrible financial crisis prevailing in all parts of North America, were forgotten. Small meetings took place everywhere and every day of the week. M. Papineau and his friends went right and left accelerating the movement. *La Minerve*, the *Vindicator*, in Montreal; *Le Libéral*, at Quebec, constantly called for *agitation, agitation!* The public peace was thoroughly disturbed. Some one went so far as to cry for independence.

On the 7th of May, Dr. Wolfred Nelson held a mass meeting at St. Ours, near Sorel, on the East side of the Richelieu River. Resolutions were adopted on the line of the debates in Parliament during the last thirty

years, but nothing revolutionary transpired in them nor in the vehement harangues of the orators. This was the signal for other demonstrations of the same nature and temper. Decidedly what is called the popular lion was let loose. A second mass meeting, at Montreal, on the 15th of May, and a third one at St. Laurent, soon after, where Papineau upbraided the administration of the province and spoke wildly, made matters worse. It is true that a number of people felt disgusted and give up all allegiance to the famous leader, but they could do no more because things were too far advanced. In June and July M. Papineau extended his peregrinations to the lower regions of the district of Quebec with success, but this did not last long, as we know that neither that district nor those of Three Rivers and St. Francis followed him any further.

About the middle of June the governor issued a proclamation forbidding political gatherings, but he dismissed militia officers and justices of the peace by the score and created renewed ill-feeling all round.

On the 31st of July came the intelligence of the demise of William IV., which had taken place on the 20th of June. Parliament was summoned for the 18th of August. It was a surprise for the world at large to hear that a princess of eighteen years old, unknown to most people, and without experience of public affairs, had become the sovereign of the greatest empire of modern times. *Le Journal des Débats*, in Paris, said that, moreover, the young lady being of weak health was not likely to live long. So much for prediction. Queen Victoria not only had a most glorious reign, but she died at the age of eighty-two years.

The district of Montreal kept on with mass meetings—always on the same theme, without any colour of revolution, at least in the form and tenure of the speeches and resolutions passed by the mob. It was soon seen that the River Richelieu parishes, the city of Montreal and the county of Two Mountains were the main centres of the agitation.

The session of the legislature lasted only eight days and dealt only with the address of the governor, the answer thereto from the assembly, and the oath of fidelity to Queen Victoria—but no bill was presented, and the members separated of their own accord, without waiting for the governor to close the proceedings.

It was known at that date that Lord John Russell had rescinded his order for the payment of civil expenditure from the Canadian treasury; also that he had declared again his intention not to permit the reform of the council.

Mr. Papineau must have paid a visit to Lord Gosford, after the session, as we can see by the following extract of a letter His Lordship wrote from Ireland to a friend in Canada, on the 7th December, 1845:—

December, 1845: "I am very glad Mr. Papineau has returned to Canada and enjoys such good health. I do not think there was much, if any, difference in our opinions as to our general views as regarded Canada. He dwelt on some points which I had not the power to grant; though in some instances I would gladly have done so. I wish he had remained in Quebec (in August, 1837). I always looked on his going to Montreal as an unfortunate trip—when faction and violence raged. Had he remained in Quebec what sorrows and heart burnings might have been avoided! I call to mind with much satisfaction the conversation I have had with Mr. Papineau in which I heard statements and opinions from him which reflected the highest credit on his heart and head. If you should see him, pray present to him my best compliments and kind remembrance if you think they will be acceptable to him. . . ." Another paragraph of the same letter may be quoted for the sake of curiosity: "There is a particular friend of mine who is a great collector of autographs of eminent men and he is very anxious to get a letter or note of Mr. Papineau's. Perhaps you may assist me in getting one. If you could do so without much inconvenience you would oblige me. If it had any allusion to events in Canada it would be, of course, more acceptable. I had not heard of Mr. Papineau being in Ireland until after he had left it, or I should have made an effort to have the pleasure of seeing him here."

Mgr. Lartigue, of Montreal, a relation of Mr. Papineau, did all he could, and his clergy also, to induce their people to remain quiet, but, in some localities, their efforts were in vain. Mgr. Signay, Bishop of Quebec, joined with Mr. Lartigue in trying to persuade the executive council to ask the Imperial government for changes which would satisfy the moderate reformers, but in this they were not successful.

In Upper Canada, Mr. Mackenzie openly discussed whether the colonists should call to arms and declare their independence. Lord John Russell's ten resolutions roused as much anger in that province as in Lower Canada, for they were held to threaten the liberty of both alike; and a number of people prepared in earnest for a rising. We need not say that the provinces had about an equal proportion of bloodshed during these troubles.

The largest and the last grand demonstration of this eventful year took place at St. Charles, east side of River Richelieu, on the 23rd October, and it is remembered to these days as an imposing manifestation of public sentiment. The same old variations were played on the well-known tune—and Mr. Papineau surpassed himself in eloquence, vigour, logic, etc.—the end of a great epic.

At that meeting, Mr. Papineau commenced to realize that things were going too far. He advised his hearers of this and they were greatly displeased with the remark. He concluded by saying that the best method to fight Great Britain was to buy no goods from that part of the world, but Dr. Nelson shouted that the time for action had come—meaning to take up arms.

Warrants for the capture of a large number of leaders in that movement changed the aspect of the situation. By the 15th of November, Mr. Papineau, with Messrs. O'Callaghan and Viger, crossed the St. Lawrence from Montreal to Longueuil or thereabouts, *en route* to the United States, *via* River Richelieu. Others were taking the same direction. It was a flight. None of them thought of going to war, as it has been often said. They had no means to fight with. No military organization existed in the five or six counties of the Richelieu River enrolled under their political banner. Firearms were very scarce, and most of them hardly fit for service in a region such as that, where no forests existed and consequently no occasion for a hunter to use a fowling piece.

Thomas Storrow Brown was born at St. Andrew's, N.B., of a family of rather good standing, emigrated from Massachusetts in 1776, and was a merchant in Montreal, a clever speaker, a contributor to the *New York Express* and to the *Vindicator* of Montreal. As a captain of the *Sons of Liberty* he had been badly beaten by the members of the *Doric Club*, and

was going out doors for the first time after that adventure when he heard of a warrant issued against him. On that day, 16th of November, he took his way in the direction of River Richelieu and noticed a troop of cavalry patrolling to protect the fugitives. Soon after, he met Messrs. Papineau, O'Callaghan, etc., with whom he went to St. Denis, the residence of Dr. Wolfred Nelson. Their arrival created a sensation. Some one said: "Our chiefs are off to the States." Others answered: "Let them do as they please; we shall fight here anyway." The poor fellows did not imagine what a fight meant. They had gathered only fifty obsolete flint lock guns, all that were within reach, and half of these were useless for want of repairs. But Nelson was a strong character. He inflamed them with his spirit. Resistance became the pass-word. Brown was sent to St. Charles, nine miles further on the same shore, to establish a camp and fortify it. A new fit of enthusiasm roused the population. All the tools and clubs of the country were requisitioned. Throngs of excited people came around, talked for a while and then dispersed, only to come back again to procure some kind of weapon. Brown wrote a lively description of their animated action and their absolute want of organization. Finally, on the 23rd November, Colonel Gore, coming from Sorel, attacked the village of St. Denis, but he was deceived by the military talents of Dr. Nelson and retired after a sharp contest. Brown, at St. Charles, retired before Lieut.-Colonel Whetherall and went to St. Denis. The chiefs assembled again. They dismissed their men on the 27th and when Gore came back on the 2nd of December, they left for the United States. Two days later martial law was proclaimed in the district of Montreal.

Dr. O'Callaghan writing from Albany, on the 17th July, 1852, said: "If you are to blame the movement, blame then those who plotted and contrived it, and who are to be held in history responsible for it. We, my friend, were the victims, not the conspirators; and were I on my death-bed, I could declare before Heaven that I had no more idea of a movement of resistance, when I left Montreal and went to the Richelieu River (16th Nov.) with Mr. Papineau, than I have now of being Bishop of Quebec. And I also know that Mr. Papineau and I secreted ourselves for some time in a farmer's house, in the parish of St. Marc, lest our presence might alarm that

country and be made a pretext for rashness. . . . I saw as clearly as I now see that the country was not prepared."

We shall close this by quoting a few lines from a lecture delivered by Mr. Papineau in 1867 before the *Institut Canadien* of Montreal: "The insurrection movement, which as far as principle is concerned was legitimate, but which, since it failed, was imprudent from a practical point of view, had not been approved of by the more influential members of Parliament; rather were they against it. But, they who sought the destruction of the public men of Lower Canada, who wanted to realize the union of the two provinces, who wished to have the executive master and regulator of both the revenue and the legislation—these gave it an under-hand impetus. They succeeded in precipitating the crisis, with a view to their own interests. They, too, were mistaken, as was the Parliament that supported them. It cost that Parliament more than it would have liked to grant, both in the concession of liberties long refused, and in money, for the benefit (in both Canadas) of minorities that enjoyed its support, but not its esteem. All that was evident, in the movement of that period, is well known; all that was kept secret, will be known later on. In the United States as well as in our provinces, eminent citizens, tried and sincere patriots possessed the proofs and the means of making known the men and the political events of that period better than they are understood to-day."

The permanent "patriotic committee" of Montreal sent an address to the labour association of London, a political and revolutionary club, in the hope of gaining the sympathy of the English agitators. Some of the Montreal hot-headed folks went further—they wrote to the American Congress asking for free trade between the two countries as a means to separate Canada from Great Britain. The county of Two Mountains joined in the movement which, until then had been confined to Montreal and River Richelieu. At St. Eustache Dr. Chénier, a Canadian, and Amury Girod, a Swiss emigrant, took possession of some rifles and one cannon deposited in the Indian village near the lake and entrenched themselves in the convent with their followers. They were entreated by many citizens to desist and would have dispersed, had not the news from River Richelieu brought an additional stimulus to their already inflamed imagination. The troops

arrived on the 14th December. Chénier, with about two hundred and fifty men, seized the church and offered a most courageous resistance which lasted nearly three hours and terminated with an awful slaughter. Chénier was killed. Girod, who had left before the battle, put an end to his life in a field. The villages of St. Eustache and St. Benoit were burnt. The Catholic clergy again raised their voice in all the province to convince their flocks of the unchristian and illegal position some of them had assumed in that conflict of political sentiment. This, certainly, had a good effect; so had the peaceful attitude of all the rest of the province, for, after considering what is related above, we may add that only three spots on the map were marked by the stain of insurrection, and not the whole country as is sometimes stated. The same may be said of Upper Canada.

Mr. Martin Van Buren, president of the United States, issued a proclamation, on the 5th of January, 1838, forbidding any citizen of the Republic to aid the Canadian insurgents, as they had already done in Upper Canada, where the cry for independence was current amongst the Mackenzie partisans. Nevertheless, three or four raids similar to those of 1837 were repeated in that province during the year 1838.

Mr. Roebuck published an article in London, on the 4th of January, 1838, containing the following lines: "Do you deny that it was the aim of the provincial assembly to gain full and complete control over every branch of their revenues? If you do not deny this, do you deem such end improper? If you deem such end not improper, do you quarrel with the means which the assembly have employed to attain it? . . . The moment the civil expenses were to be defrayed by the Canadians themselves, scrutiny into the accounts necessarily followed. Will you believe it, this inspection of accounts was refused to the assembly. Will the enemies of Canada deny this? They dare not."

The constitution of Lower Canada was suspended by the Imperial government on the 10th February, 1838. On the 2st March next six hundred "patriots" surrendered in Vermont to General Wool of the United States army. On the 12th of April, Lount and Matthews were executed in Toronto. On the 27th of May, Lord Durham arrived at Quebec to replace Lord Gosford, who had left on the 20th of February last and went to

Washington to confer with the authorities. From the States, he proceeded to England.

Lord Melbourne and the Whigs were in power since April, 1835, and remained there till September, 1841, when Sir Robert Peel, with the Tories, replaced them. "Melbourne had no wish to intrust Durham with the management of foreign affairs. He had had ample experience of the intractability of his temper during the period of the reform bill. Any embassy he liked he should have and welcome, but not a department in which he had had no experience and would not submit to be controlled. He was perhaps the last man to whom Palmerston (foreign secretary) would give way in the office he had occupied for four years."*

The coronation of Queen Victoria, 28th of June, 1838, furnished Lord Durham an opportunity to grant pardon to a large number of prisoners. This was done in the form of an ordinance of a special council created by himself. Amongst the exceptions were Dr. Wolfred Nelson and others sent to Bermuda, death being the penalty for returning. Louis-Joseph Papi-neau, Dr. Edmund B. O'Callaghan, George-Etienne Cartier and thirteen others, who had fled to the United States, were to receive the death penalty if they returned of their own accord. The Imperial government disallowed this ordinance.

There was a loud outcry in England against Lord Durham for having banished the prisoners. This made him so angry that he resigned his position and returned to England.

On the 4th of November, 1838, Mr. Francis Hincks started the *Toronto Examiner*, having for its motto: "Responsible Government and the Voluntary Principle." The term "responsible government" was newly coined under the somewhat vague idea that the executive council would, under such regime, be bound to show their bookkeeping to the legislative assembly. The same plan had been introduced lately in New Brunswick, but their assembly repudiated the claim "that the executive council should at all times be subject to removal at the instance of the popular branch," although, that very year, they declared "that the executive council should be composed of persons possessing the confidence of the country at large." They were

*W. M. Torrens: *Memoirs of Viscount Melbourne*, 1890, p. 260.

troubled by the difficulty of dividing the responsibility between the colonial office and the provincial assembly.*

Sir John Colborne assumed the administration on 1st November and continued the martial law proclaimed in the district of Montreal twelve months before. The departure of Lord Durham seemed to have encouraged the "patriots" who had fled to the United States. They got the assistance of a group of individuals, hostile to England, who were only too glad of an opportunity to make a raid and do some mischief, but cared not if the Canadians suffered for it. Their first act (3rd November) was to attack the steamer *Henry Brougham*, on the Beauharnois Canal, which they destroyed and seized the passengers; then they went to the village and captured the Ellice family, whose position was one of eminence in the region. Mr. Edward Ellice, a nephew of Lord Durham, had been instrumental in organizing the "English party." The following day a gang of armed men entered the village of Caughnawaga, but the Indians repulsed them. Nelson was at Laprairie with two thousand followers ready to march on Chambly and St. John's. Sir John sent out six or seven thousand regulars with eight field-batteries to chase them away, and they crossed the frontier at Odelltown. The troubles continued for a while yet in Upper Canada.

Severity with Sir John Colborne was not an uncommon thing. Officials were dismissed, justices of the peace suspended, also Judges Panet, Bédard and Vallières. Courts martial were constituted to decide the fate of numerous prisoners in gaol. Forty-nine were condemned to transportation and eighty-nine to death, of whom twelve perished on the scaffold: Cardinal and Duquette, 23rd of December; De Coigne, Robert, Hamelin, two brothers Sanguinet, 18th of January, 1839; Hindeland, Narbonne, Nicolas, Donais, De Lorimier, 15th of February.

In the course of the winter, the special council of Quebec had one hundred and fifty-one prisoners condemned to be transported to the penal colonies of Australia. They left on the 26th of September, 1839. Mr. Papineau said that 500 prisoners were condemned to death; that twelve were executed in Lower Canada, and more than twenty in Upper Canada.†

*Clement: *History of Canada*, p. 225.

†*Revue du Progrès*, Paris, May, 1839.

Those who fled to the United States still continued their incursions on Canadian soil, giving themselves up to depredation and pillage, which caused much alarm in the neighbourhood of Lake Champlain. They even attacked Windsor, though without success. Dreading the consequences of such provocation, the Washington authorities at last put a strong guard on their frontiers and confided its direction to Generals Scott and Worth, thus stopping any more attempts of this kind to disturb the peace between the two countries.

After the union with Upper Canada the refugees to the United States obtained permission to return to their homes, thanks to the efficacious intervention of the party which had separated from Papineau in 1833-1837, but Papineau, Nelson, O'Callaghan and Brown were declared guilty of high treason and had to remain abroad.

A final amnesty having been proclaimed Mr. Papineau (he had lived in France) returned to Canada in 1844 and was elected by the county of St. Maurice for the third Parliament, 1848-1851, but he could form no party because he declined to accept the principles advocated by Lafontaine and Baldwin.

Under the signature of Mr. Papineau, we find, in the *Revue du Progrès*, Paris, May, 1839, the singular assertion that England did not keep the Canadas "for the purpose of trade and colonization, but with a view to prepare a base for an attack upon the United States." No historian will endorse such a fanciful supposition, since we all know that the British authorities have never manifested any desire to molest our neighbours and have always been very careful to make no military display here that could be looked upon as suspicious.

"At the time of the second rising, there was no possible danger for the government, as it had been on its guard and was strengthened by the presence of several regiments that had come to the country since the first armed struggle. All the regular courts of the country had free exercise of their prerogatives. No person could be legally taken from under the jurisdiction of his rightful judges without the party who countenanced the deed being considered as in open revolt against the laws to which they owed obedience. Many of those who were murdered, not having been taken when

under arms, might have been detained by means of a suspension of the *Habeas Corpus Act*, to be tried criminally, later on, by judge and jury. To bring the proportion of victims to the level of that in France under Robespierre, seventeen accusations were all that were required; there were eighty-nine condemnations, all of them illegal, more vindictive and more atrocious than those which the Committee of Public Safety had ordered. You may rely upon it, the one (Sir John Colborne) who signed the order to establish these courts martial, who signed the seventeen immediately executed death-warrants, had steeped his hands, even more than ever did that accursed committee, in innocent blood. His name will forever remain allied to those of the most detestable criminals of 1793. And they who urged him to such an iniquitous determination are members of the same crew. The aristocracy received him under the title of Lord Seaton; in Canada he was called Lord Satan.”*

Lord John Russell was of opinion that it was inconsistent with the colonial relationship that the officials of the provinces of Canada should be made responsible to the provincial assemblies. As secretary for the colonies he was endorsed by the ministry, inasmuch as the same wrong impression existed all through the United Kingdom. It was an European political *credo* which was believed by the crowd as well as by the upper classes. Mr. Papineau, in France, found it deeply rooted in the heart of his hearers, and his contention for a larger measure of liberty than we had was considered as too ambitious, nay, absurd.

“The inhabitants of Lower Canada,” says Lord Durham, “were unhappily initiated into self-government at exactly the wrong end, and those who were not even trusted with the management of a parish were enabled by their vote (in the councils) to influence the destinies of the State.”

It is with pleasure we quote here the brief, though complete résumé written by the Hon. Joseph Howe after reading the lengthy report of Lord Durham upon the state of the colonies. He puts these words in the mouth of His Lordship: —

*L. J. Papineau, speech delivered before the Institut Canadien de Montréal, the 17th December, 1867.

“Place the internal government of the colonies in the hands of the colonists themselves. They now make their own laws; let them execute them as well. If they make mistakes, they will find them out, and they will remedy them more quickly and thoroughly than can we in Great Britain. It needs no Acts of Parliament to effect this change. Simply tell each governor that he must govern by means of an executive council having the confidence of the people of the colony. Tell him, too, that he need count on no aid from home in any difference with the assembly which does not directly touch the interests of the Empire as a whole. In short, assure each colony that its government shall henceforth be carried on in conformity with the views of the majority in the assembly. All the grievances, of which we have heard so much, have arisen from the faulty system of government. Reform the system as I suggest, and these grievances will soon disappear.”

The union was, as the reader knows, an old favourite scheme with the anti-Canadian party, but Lord Durham seeing that Nova Scotia and New Brunswick were in the same predicament as the Canadas, thought first of recommending a confederation, giving each province an administration of their own with a central government at the head. He finally resorted to a plan of union of the two Canadas under one administration, and this was adopted by the cabinet, but unfortunately his recommendation for an actual self-government remained in the shade.

On account of this last part of his justly-called famous and brilliant report, the sensible statesman was more than coolly received in England. He made his last speech in the House of Lords on July 26th, 1839, in connection with the bill relating to Lower Canada and added a short defence of his own connection with Canadian affairs. He died on July 28th, 1840.

“An Act to reunite the provinces of Upper and Lower Canada, and for the government of Canada,” introduced by Lord John Russell in June, 1839, was, after discussion, postponed to the following year. Meantime the Hon. Charles Poulett Thompson was sent as governor to Canada, to obtain, it was said, the consent of the two provinces, and also to settle certain difficulties—after a certain fashion. He arrived on the 17th of October and met the special council, where three members only—Neilson, Cuthbert

and Quesnel—opposed the proposal of the union. This majority of a council appointed by the Crown was considered as the expression of the desire of the people. In Upper Canada, Mr. Thompson paraded around the figures of \$5,000,000 owed to Baring Brothers by that province, and which sum he was anxious to secure as son-in-law of the Barings. The assembly agreed to enter into partnership with a province free of debts and ready, they were told, to help them in the settlement of their own liabilities.

The tone of the official press was exceedingly vindictive and blood-thirsty. No secret was made of the fact that a new constitution was to be imposed upon the Canadian majority.

For his services in forwarding the union, the governor was made a peer, with the title of Lord Sydenham.

The Act passed the British Parliament on the 28th of July, 1840, but not without protest. Lord Gosford, in the House of Lords, declared it was most unfair to the Canadian majority, to whose loyalty he bore strong testimony. The following is an extract from a letter written by His Lordship on the 7th of December, 1845: "I have been an anxious observer of events in Canada. I confess I never looked forward to the steps that have been taken, however well intended, as calculated to promote the interests of what I so heartily wish to be, a happy portion of Her Majesty's Dominions. I always considered the union of the two provinces a dangerous experiment. Even suppose for sake of argument that it was desirable, could anything have been more ill-timed, more unjust and arbitrary than the means resorted to, to carry it into effect; more calculated in my humble opinion, to perpetuate feuds and animosities than to lead to the extinction of divisions, the removal of which could alone make her a united happy people? A domineering faction would be satisfied with nothing short of absolute power, and this ought to have been resisted and suppressed by a steady, uniform and undeviating regard for the interests of the great majority of the people. This is the view I invariably took, and I have seen nothing in any degree to change it."

The Act provided for a legislative council of not less than twenty members appointed by the Crown, and for a legislative assembly of forty-two from each former province, elected by the people. No person could be

elected unless he possessed a freehold of lands and tenements to the value of five hundred pounds sterling over and above all debts and mortgages. The English language alone was to be used in the legislative records. The population of Upper Canada was 465,000; that of Lower Canada 691,000. All taxes levied in Canada under Imperial Acts were to be appropriated by the provincial legislature, subject, however, to payment of a civil list of £75,000 per annum. The casual and territorial revenues of the Crown were surrendered to provincial control, with a provision that any Act dealing with Crown lands should receive approval of Her Majesty before coming into force. All revenues collected in the province were to go to a consolidated fund out of which were to be paid (1) the expenses of collection, (2) the interest on the public debts, (3) the moneys payable to the clergy of different denominations under the Act, (4) the civil list. The balance was to be appropriated as the provincial House should determine. No moneys were to be voted except upon message from the Crown, that is to say, upon the responsibility of the executive council. A proclamation of the 5th of February, 1841, declared the union of the two provinces.

Lord Sydenham had selected Kingston as the capital of Canada. The first general election was held in March, and the House met on the 14th of June, 1841. There were four distinct parties: The family compact, the moderate Conservatives or Tories, the moderate Reformers, and the extreme Reformers, these, led by Neilson, Lafontaine, Morin and Baldwin—the party destined to conquer, after a struggle of seven years.

CHAPTER XXIX.

The meaning of responsible government not clearly defined before 1843—

The Draper ministry, 1841—The Baldwin-La Fontaine ministry, 1842—The Draper-Viger ministry, 1843—Return of political exiles—The La Fontaine-Baldwin ministry, 1848—Full responsible government, 1848—The Rebellion Losses Bill, 1849—New political parties—Postal service—Decimal currency—Hincks-Morin ministry, 1851—"Rep. by pop."—Scheme of Confederation—Coalition government, 1854—Several old grievances settled—Reciprocity Treaty, 1855—Anglo-French alliance—Ottawa chosen as the capital, 1857.

It seems strange that, during the long and violent struggle of the democracy against the bureaucracy, or the popular wish against the official domination, which we have shown in the preceding chapters, the question of "responsible government" should have received so little consideration. The term itself was not uttered once in the lengthy debates connected with the examination of public accounts or appointment of the executive councillors, or in connection with the request that such ministers of the Crown be compelled to occupy a seat in the assembly. A few men, Pierre Bédard, the first, according to date, intimated, now and again, that ministerial responsibility would put an end to the evils and abuses of the time, but it did not constitute one of the principal articles of their programme, because, it is supposed, that the Crown having the nomination of those functionaries, they could not be amenable to the assembly. Therefore, no one dared to propose their appointment by the popular branch of the legislature. No mention of responsible ministers is made in the 92 resolutions. The conflict remained after 1834 on the same ground as before, that is, between the assembly and the councillors, who were held to be the cause of bad administration. It was against them that Papineau and Mackenzie hurled their eloquent philippics and aroused public opinion. The executive councillors were bad because the system was false; to change the men would have

been of no avail; to adopt another mode of appointment would have cured the evil.

It must, however, be admitted that during the years which preceded the insurrections, ministerial responsibility was the principal reform advocated in Upper Canada, particularly by Mr. Robert Baldwin. It must also be acknowledged that such a measure, even in England, was not clearly understood and made practical as it is at present. The kings reluctantly consented to abandon their prerogatives and to reign without governing. At all events, the people in the colonies did not seem to harbour the hope that they would ever obtain such a favour, and the opinions expressed by the successive administrations of Great Britain were undoubtedly of a nature to confirm this impression.

As is generally the case, gunshots and bloodshed had more effect than the petitions and protests upon the mind of prejudiced statesmen, and, if the point was not gained at once, a decisive step was taken in the right direction, under the pretext of calming the people by trying a new system of government which could ensure loyalty and fidelity to the Crown.

Mr. Thompson was instructed to "administer the government in accordance with the well understood wishes and interest of the people; to call to his councils, and to employ in the public service those persons who by their position and character have obtained the general confidence and esteem of the inhabitants of the province." How was this carried into effect? Eight ministers were appointed—only one was a Catholic, and not a single French Canadian. The composition of that ministry was naturally considered a false and unjust interpretation of the new constitution.

Mr. Baldwin, appointed attorney-general for Upper Canada, suggested that French Canadians be included in the ministry, but he was ignored and resigned. He had made it an express condition that the government would be carried out in accordance with his well-known ideas about ministers being made responsible to the assembly; and that after the elections, when the cabinet was re-modelled all classes and nationalities should be represented in the executive.

Mr. Draper accepted the functions without apparently exacting any condition. Mr. La Fontaine refused because he was not promised the

reality of a government responsible to the assembly. Lord Sydenham went himself to the county of Terrebonne to canvass against his candidature during the general elections of 1841 and succeeded in beating him, but Mr. Baldwin secured for his friend a seat in the fourth riding of York, so that the French Canadian leader represented a county of Upper Canada during the first Parliament.

This open kind of partiality roused the feelings of others than the French Canadians. There were in both provinces, as there are everywhere, English-speaking men who loved political liberty for itself and before all, and who were just and impartial enough to sacrifice personal sympathy and even popularity to the triumph of a principle they cherished, and to apply to all British subjects without distinction the benefit of their great and noble constitution. At the head of them stood the good and honest Robert Baldwin. As for the French Canadians, most of them were ready to follow Mr. Louis-Hyppolite La Fontaine, a learned and loyal man who had objected to the union at first, but decided to accept it when established, and to endeavour to take advantage of the germs of liberty which it contained. They were both highly qualified as representatives of two great races and their deeds deserve to be recorded as an example to future generations. It has often been said that there are men selected by Providence to further at a certain time the progress of humanity, or the prosperity of a nation. Baldwin and La Fontaine were two such privileged beings. They seem to have been chosen at a critical period of our history to show what the union of the descendants of two powerful races could do for the political welfare and prosperity of Canada. They had both fought courageously before, against the same official-party and oligarchy, and they enjoyed the confidence of all liberal and fair minds in the country.

Baldwin and La Fontaine became the leaders of a strong and patriotic opposition. On the 3rd September, 1841, the assembly passed a series of resolutions recognizing responsible government. On this occasion, for the first time in Parliamentary history the meaning and the *modus operandi* of those two words were defined and rendered intelligible, at least in so far as a new political religion can be appreciated.

The closing of the session and the death of Lord Sydenham (19th of

September) suspended the effect of this vote, but the prospects were great for another year.

That session is also remarkable for the passing of the municipal bill which provided for the incorporation of towns and cities under certain conditions and established therein a local government to administer and settle internal business.

During the session of 1842, the government was defeated. In September, therefore, Sir Charles Bagot called Mr. Baldwin to assume the position of attorney-general for Upper Canada and Mr. La Fontaine that of attorney-general for Lower Canada. As in the preceding ministry, there was also a secretary for Upper Canada and one for Lower Canada, a solicitor-general for Upper Canada, and one for Lower Canada. That practice continued until Confederation. Although there was but one government the duality of former days still existed and was made constitutional by the adoption of "the double majority principle," gradually from 1844 to 1852. This new factor in the balance of power consisted in forcing the administration to be sustained by a majority from each of the united provinces, and not merely by a majority of votes in the assembly. Thus, one province could not impose upon the other. Practically the two attorney-generals, or whatever be the attributes of those leaders in the work of the ministry, were two prime ministers, although one only held the title.

The La Fontaine-Baldwin cabinet was a "party" ministry, the first in the British colonies. The colonial office blamed Sir Charles for its formation, but the country greeted the event as the announcement of a new era, a triumph of political liberty, etc.

The ministers having to be re-elected, according to rule, Mr. Baldwin was defeated in the county of Hastings. His colleague got him chosen by Rimouski, so that the two principal ministers represented Lower Canadian constituencies in the second and third sessions of the first Parliament.

Mr. Papineau writing from France to Dr. O'Callaghan, on the 16th of November 1842, said: "I believe that the important steps taken by Sir Charles Bagot are to a certain extent sincere and that he must have acted under the authorization of Sir Robert Peel. If such a system is followed for some years there will be no way to go back to the method of partiality

so flagrant in the past. After the Ashburton Treaty I suppose that the British administration is no more inclined to depend on the so-called English party in Canada. . . . The Tories (in England) are convinced that they will hold power for a long time. They seem to be willing to use it mildly. Mr. Roebuck says the merchants of Canada are dead against Bagot, but that they can obtain no hearing. . . . I have no faith in the virtue of the Tories, but I have in their ability, which is incomparably greater than that of the Whigs. I believe in the power that a spirit of union (between ourselves), and the close neighbourhood of the United States, will give the Canadians, if they only have a little firmness, for the securing of better government in the future—especially after the humiliating treaty, for England, which handed over to a republican government her loyal subjects of Madawaska, a change that will by no means affect their happiness. . . . I think Mr. Baldwin is an honest and enlightened man. His appointment inspires me with more confidence than all the rest of them. They are also honest, but not clever. One would easily persuade them that the union is a blessing. . . . Then the reform of the legislative council? A good jury law? . . . I hope the new cabinet has some guarantees for all that—otherwise they will find that they are dupes. . . .”

Sir Charles Bagot, who had come with the intention of applying the principle of self-government, was not spared long to carry on the reformation as he died (16th May, 1843) after a few months' residence in Canada. His successor, Sir Charles Theophilus Metcalfe held that appointments to office without consulting his council, was his prerogative, thus acting in the face of responsible government. The ministry resigned, 26th November, 1843, and retired from office on the 11th December, two days after the close of the last session.

On the 30th of June, 1843, the village of Boucherville was destroyed by fire. On the 28th of May and 28th of June, 1845, the city of Quebec was nearly all burnt out. In May, 1846, the villages of Chicoutimi and Ha! Ha! Bay were swept by the flames. On the 12th of June following St. Louis theatre in Quebec also caught fire—forty persons perished within its walls. In August three hundred houses were destroyed in the same manner at Laprairie—and St. Louis Castle of Quebec was burned to the ground.

A few figures concerning the trade of the country may not be out of place here.

In 1836, a railway, fourteen miles long, was opened between Laprairie and the town of St. John's. They used fire-wood instead of coal.

The produce of wheat in 1831, 1844, 1851, was as follows:—

| | |
|---------------|-----------|
| 1831. | 3,404,756 |
| 1844. | 942,835 |
| 1851. | 3,045,600 |

In 1841, 64 sea-going vessels with an aggregate of 23,122 tons were built at Quebec.

The annual interest of the public debt was £145,244; the total revenue, £512,993 currency, in 1846.

1846 arrivals, 1,439 vessels, 573, 104 tons burthen.

1847 arrivals, 1,178 vessels, 474,486 tons burthen.

The annual exportation of lumber in 1853-57, may be stated at thirty million cubic feet in the rough state and four hundred million feet, board measure, of sawed lumber. The revenue derived from timber cut in the public forests in 1861 was \$383,150.

News arrived at Quebec, 22nd October, 1847, *via* Boston, dated Liverpool 5th of that month, with intelligence from Lahore, 12th of August, and Hong Kong, 25th July.

During the session of 1844, Mr. La Fontaine asked for the return of the political exiles. These unfortunate men commenced to arrive in 1845, Mr. Papineau being one of the first, and the others followed in 1846-47.

When the people heard of the reasons which had brought about the resignation of the executive great excitement prevailed all over the country, public meetings were held and resolutions passed approving the late ministers and blaming the governor.

The third administration was called the Draper-Viger and lasted from 12th of December, 1843, to January, 1848, the whole term of the second Parliament, which sat at Montreal.

Mr. W. H. Draper, an able man, the head of the moderate Conservatives since 1841, had been opposed to many of the reforms for which the popular party was striving, but since the union he decidedly inclined

towards the new system and bowed gracefully to the inevitable. Between him and Baldwin stood the question of patronage and a few other points of secondary importance. As for the Tories or family compact, seven or eight in number, led by Sir Allan MacNab, they had made no recruits from the beginning and remained ready to vote against any Liberal measure.

Mr. Denis-Benjamin Viger, an upright and learned writer, was followed in the ministry by Denis-Benjamin Papineau, as commissioner of Crown Lands from 1844 to 1847, R. E. Caron, as speaker of the legislative council from 1843 to 1847, J. A. Taschereau, as solicitor-general from 1845 to 1847.

Lord Metcalfe was succeeded on the 26th November, 1845, by Lord Cathcart, who, in turn, was replaced by Lord Elgin, 30th of January, 1847. The answers he made to several public addresses gave the clue to his intended policy and caused the electoral body to anticipate a favourable wind for the Reformers.

The sweeping victory of the Reformers, at the general election of January, 1848, showed that the Viger-Draper government had existed since fifty month without the confidence of the majority of the country. They abandoned their portfolios on the 4th of March, after the meeting of the legislature in Montreal. Mr. La Fontaine accepted office as premier and for twenty-four hours was sole minister. Then came in Robert Baldwin, James Leslie, R. B. Sullivan, R. E. Caron, Francis Hincks, E. P. Taché, J. H. Price, T. C. Aylwin, Malcolm Cameron, L. M. Viger, and Lord Elgin was enabled to exercise the power vested in him by the Imperial authorities, and such as no governor of Canada had ever possessed before. Recognizing his wisdom and his love of liberty Lord Elgin found the country quite prepared to welcome him. He had declared, when answering the addresses which were presented to him on his arrival that he had been instructed to administer the affairs of the colony with the advice and the assistance of those who enjoyed the confidence of the people and that he would govern accordingly. He kept his promise, aided by the circumstance of the last election—in spite of those who tried to frighten him, as they had alarmed Metcalfe in representing La Fontaine and his friends as rebels unworthy of his confidence. He said that he had been sent to Canada not to perpetuate old animosities,

but to govern constitutionally, and he gave a memorable proof of his sincerity when he sanctioned, in 1849, the bill to indemnify those who had suffered losses in the turbulent times of 1837-1838. This governor, in contrast to some others since 1841 followed the advice of his ministers without regard to his private opinions, and the danger to his personal safety.

"Lord Elgin had married a daughter of Lord Durham, and was naturally anxious to see the views expressed in the celebrated report fairly applied to the government of the provinces."*

It is proper to say that the question of representative and responsible government was then definitely settled and that the country, since that time, has been administered in accordance with the principles laid down by the Baldwin-La Fontaine ministry and by Lord Elgin.

In 1844 Lieutenant-Governor Falkland, in Nova Scotia, resisted the principles of responsible government against Messrs. Howe, Uniacke and McNab. This would tend to show that the instructions given to Bagot and Metcalfe (and so little understood by the latter) were not extended to the lieutenant-governors of the Maritime Provinces.

As a consequence of the reforms made during the last preceding years of the reign of Queen Victoria, the claims of the colonies were no more considered out of place. Besides the formation of the Canadian ministry in 1848, "that year saw the Uniacke cabinet in Nova Scotia, and, in New Brunswick, Messrs. Wilmot and Fisher were made members of the executive council which openly avowed that it held office on the tenure of public confidence. In this complete establishment of responsible government the different provinces enjoyed common triumph. The reformers in each province had watched with much sympathy the progress of the struggle in the others. The leaders had been in frequent communication, and a concession gained from the colonial office for one province had often been a gain for all."†

In 1852 responsible government was assumed in Prince Edward Island.

The British Parliament repealed the navigation laws, in 1849, thereby giving the colonies liberty to trade in any part of the world, but each colony, such as Prince Edward Island, Newfoundland, New Brunswick, Nova Scotia

*Clement: *History of Canada*, p. 274.

†Clement: *History of Canada*, p. 274.

and Canada, continued to lay import duties on the goods of its neighbours. Some people wished for free trade between the Maritime Provinces and Canada and they generally coupled that proposal with that of a legislative union or a confederation. An intercolonial railway plan entered naturally as part of the whole scheme.

Commissioners had been appointed to the number of six, in 1845, to inquire into the losses sustained by loyal people of Lower Canada during the rebellion. The Tory party made a good deal of political capital out of that question, pretending that it was a pretext to recompense men who had taken up arms against the law and fought against the British troops, but Lord Metcalfe was not the dupe of these street corner gossips and knew exactly what the measure was intended for. When the commission declared, the following year, that they had received two thousand, one hundred and seventy-six claims amounting to £241,965, and stating that, in their opinion, the sum of £100,000 would cover all real damage, the opposition kept up a hotter fusilade than ever against the ministry, but Lord Metcalfe was gone (26th of November, 1845), Lord Cathcart had nothing to do with the matter and let it sleep until the arrival of Lord Elgin, whose instructions from Lord John Russell, Sir George Grey and Earl Grey were not calculated to please the Tories of Canada.

On the 25th of April, 1849, Lord Elgin gave his assent to the Rebellion Losses Bill. When he left the assembly frenzied mobs pelted his carriage with every abominable missile, and strove to do him personal injury; but, by rapid driving, he escaped them. Then, in their mad rage, they burned the House of Assembly, together with the public records of the Upper and Lower Canada Parliaments, and the records of Parliament since the union. Five days later His Lordship drove from his residence at Monklands into Montreal, and was soon surrounded by a hostile crowd, which pelted him with stones, and he had to return to Monklands. A body of radical reformers made the "Clear Grit Departure," agitating for universal suffrage, vote by ballot, biennial Parliaments, free trade, direct taxation, etc. Mr. L.-J. Papineau was the recognized leader of a party still more radical "*le parti rouge*."* Mr. La Fontaine's house was sacked. The governor

*James P. Taylor: *Facts of Canadian History*, p. 142.

forbid the calling out of the military. Three months later the ring-leaders were arrested, and this was the signal for a further outbreak. The mob again attacked La Fontaine's house, but this time he was prepared and they were driven off after one of their number had been killed.*

"The same violent spirit was shown in Upper Canada. Mobs broke the windows of well-known reformers, and burnt stuffed figures representing them in great bonfires. Some of the Conservatives (Tories) who had loudly accused others of disloyalty now talked of making Canada part of the United States. Others joined a league of which one object was to break up the union between the two provinces. Amongst other schemes, a confederation of all the provinces was suggested, but the league soon fell to pieces."†

In 1849 Mr. Papineau spoke in favour of the recall of the Union Act and for "rep. by pop."

Parliament met in Toronto on the 14th of May, 1850. The postal service was vested in the Canadian administration, but the transfer from the Imperial authorities only took place in April, 1851. First postal stamp was issued by Canada in May following. The present decimal currency was introduced this year.

After the session of 1851 (October) the government offices were transferred to Quebec and the "Grand Ministry" resigned. Messrs. La Fontaine and Baldwin withdrew from public life. Their places were taken by Mr. Francis Hincks and Mr. A. N. Morin. The La Fontaine, Baldwin, Hincks, Morin party were considered too Conservative for the more ardent reformers and the latter became the "Liberals," whilst the former were called "Conservative."

The number of members of the assembly was increased (1853) from forty-two to sixty-five for each province. Upper Canada had then a larger population than Lower Canada and Mr. George Brown raised the cry of "rep. by pop.," meaning representation by population, which he kept up until 1866, when this was agreed to in framing the Confederation Act.

Lord Elgin left Canada in December, 1854, being succeeded by Sir Edmund Head, Lieutenant-Governor of New Brunswick. "He had the

*Clement: *History of Canada*, p. 287.

†Emily P. Weaver: *History of Canada*, p. 257.

supreme consolation, before he left Canada, of finding that his policy had met with the success which is its best eulogy and satisfaction." (Sir John Bourinot.)

Lord Elgin, writing to England in 1851, said that he "did not believe that the functions of governor-general under constitutional government, as the moderator between parties, the representatives of interests which are common to all the inhabitants of the country, as distinct from those that divide them into parties, was ever so fully and so frankly recognized."

He was sure that he could not have achieved such results if he had had blood upon his hands. His business was "to humanize, not to harden." One of Canada's ablest men—not then in politics—said to him: "Yes, I see it all now, you were right, though I thought otherwise then. I own that I would have reduced Montreal to ashes before I would have endured half of what you did," and he added: "You would have been justified because your course would have been perfectly defensive; but it would not have been the best course."

The Parliament building in Quebec was burned 1st February, 1854. The legislature sat for nine days in June, then came the general elections, and a second session from 5th of September to 19th of December.

The elections having failed to give a working majority to either of the parties represented by the popular vote, Mr. John A. Macdonald arranged a compromise which brought (11th of September) the MacNab-Morin ministry into power, an alliance which lasted seven or eight years under the successive names of MacNab-Morin, MacNab-Taché, Taché-Macdonald, Macdonald-Cartier, and Cartier-Macdonald, broken, once, in 1858, by the Brown-Dorion ministry—lasting three days.

The principal measures adopted in 1854 were the following: The abolition of the seignorial tenure and of the clergy reserves, two grievances often agitated without satisfactory result were demanded by the electors of 1854 in such strong terms that the administration had to resign, not because they were adverse to the reform of those laws, but on account of the difficulty of solving the problem in a manner acceptable to both sides. The new government went earnestly into the questions and made a fair and final arrangement of the whole.

The Reciprocity Treaty with the United States was signed, 5th of June, 1854, to take effect on the 16th of March, 1855. It lasted until 1866.

The right of primogeniture was abolished in 1854. This old law gave the eldest son a larger proportion in the father's inheritance than to any of the other children.

That same year, the legislative council was made elective.

The codification of laws, the decentralization of justice (1857-1860) are lasting works due to Mr. George Etienne Cartier, but were not brought to a finish until this energetic statesman had devoted three or four years to their execution.

There remained very few of the old grievances of the time of Papi-neau to be removed or altered for the better. The country was prosperous and free from incumbrance of pending difficulties, therefore, the field for improvement on a large scale was wide open to men of high intellect and patriotic views. The political conflict being over, Canada was no more a colony depending on the Crown but a new British country living its own life and governing itself with perfect independence.

Mr. Papineau had lived to see all these transformations. How he realized them will be explained by the following translation of a letter he wrote in 1854 to one of his friends: "We are entering into a new era. The democratic element predominates suddenly, without any counterpoise, and to a dangerous degree. In the United States, the character of the Senate counterbalances to a certain extent the too precipitate action of the representative assemblies, but the Supreme Court is the strongest check of all because their judgments can stop the execution of laws contrary to the rules of justice consecrated by the constitution of each State. In Canada the assembly alone makes the laws since their ministers can select judges and councillors who will proclaim the validity of such laws, according to the fancy of the moment. The vigorous aristocracy of Great Britain is so essentially conservative that there is no risk in that country to admit that Parliament is supreme in legislation. In Canada, new men will supersede each other at every general election, and the result, I doubt not, will be manifested by legislative actions both hastily taken and dictated by passion. The reforms at once carried to the last limit, after a long period of harsh

resistance against them, will do as much evil coming from the colonists, as England has done in the past by supporting absolutely the domination of the executive body. . . . We are falling, I am afraid, into a state of legislative anarchy. Each Parliament will destroy the reputation of their own ministers, because they will start with a majority and end in a minority. Each new Parliament will keep busy destroying the work of its predecessor." The leader of 1820-1837 is hardly recognizable in those lines, and, as said Mr. A. D. De Celles, it would seem that, in 1854, the régime inaugurated by the union could be viewed favourably by Mr. Papineau, as the assembly had become sovereign and the true organ of the people. And he adds: "The old adversaries were there no more; the governor is now a figure-head; the executive council is the humble servant of the assembly; the elective legislative council take their cue from the assembly—the expectations of the "patriots" of 1837 were less than all that. It is not, though, what he thinks of it. He declares that the reforms have gone too far and that, under the régime of 1841, there was more liberty . . . and that our situation, politically, was better than that of the Americans. It is not that we find his opinion erroneous, for he had seized admirably well the defects of the constitution of 1841. We are near enough to his opinion on that point, but our surprise comes from the utterance of an old Liberal who says what Tories, such as MacNab and Draper, would have hesitated to express. As a rule, it may be conceded that men are born Liberals and die Conservatives. The age of maturity introduces an insight into the falsehood of many theories, gradually, as experience allows us to see them crumble down under the test of time or circumstances. As we advance through life, the difficulty of moulding humanity, with all its drawbacks, upon the exigencies of learned systems, though admirable on paper, becomes more and more visible. Most often, the institutions are worth more than the men, and men, by their own deficiency render them impracticable."

The welcome news of the Anglo-French alliance, the declaration of war against Russia, the victories of Alma, Balaklava and the fall of Sebastopol, the visit of a French frigate, the first appearance of the steamships belonging to the Allan line, all of which occurred during the years 1854-

1855, amongst other things already noted here, excited for a long time after that date the attention of the people of Lower Canada.

A curious circumstance must not be omitted in connection with these events, it is the importation of the *tricolore* flag of France, an entire novelty on the shores of the St. Lawrence. It was brought by the Allan line, then taken up by the Richelieu Navigation Company, and soon afterwards was displayed at the festivities in honour of the alliance; in celebration of the battles won in the Crimea; on the occasion of the visit of *La Capricieuse*, man-of-war, and no British flag was hoisted unless a French one was flown alongside of it. The first steps in that direction were taken with unbounded enthusiasm by the English-speaking citizens. The Canadians followed, and, as a consequence of this *furor* the *tricolore* remained in use here; even we can affirm that it created a revival of sentiment for old France in the minds of many French-speaking Canadians.

From Quebec, in October, 1855, the government went to Toronto where the question of a permanent residence was discussed and left undecided. Then, in May, 1859, the administration returned to Quebec.

In 1857 the town of Ottawa was designated by the Queen to be the capital of Canada, but this choice displeased all the other towns and cities, especially in Upper Canada. That province was then decidedly against the union, whilst Lower Canada held fast to it—the reverse of what had been seen on both sides, fifteen years before. Here and there, a solution of the problem was proposed under the form of a confederation of the two provinces, thus giving each one a separate legislation. A motion of this nature was defeated in 1860 by a large majority—nevertheless, it served as a step towards the scheme of a larger confederation.

CHAPTER XXX.

Confederation.

During the union of the two provinces, and especially after the introduction of responsible government in 1848, the main facts to be recorded are more numerous than at any time before that period. They apply also to both provinces and not particularly to Lower Canada. Such were the commencement of the Grand Trunk Railway in 1852; the first ocean steamer in Quebec, 1853; railway between Montreal and Portland opened, 1853; three other railways built in Upper Canada, same year; post-office money order established, 1854; first screw steamer from Liverpool to the St. Lawrence, 1854; sugar refining established in Montreal, 1854; opening of the Niagara Suspension Bridge, 1855; registration of letters in post offices, 1855; the Militia Act passed, 1855; Separate School Bill for Upper Canada passed, 1855; prosperity in Canada, 1855; railway between Montreal and Toronto opened, 1856; the Allan line of steamships in full operation, 1856; the question of representation of the people in Parliament as based on population was put in this form: "Without regard to a separating line between Upper and Lower Canada," 1857; the Jacques Cartier Normal School in Montreal, the McGill Normal School in Montreal, and the Laval Normal School in Quebec, established, 1857; 100th regiment recruited in Canada, 1858; abolition of imprisonment for debt in Canada, 1858; Allan line of steamers made weekly trips, 1859; the Prince of Wales visits Canada, 1860; opening of Victoria Bridge, 1860; laying of the corner stone of Parliament buildings at Ottawa, 1860; population of Upper Canada, 1,396,091; that of Lower Canada, 1,111,566; Nova Scotia, 330,857; New Brunswick, 252,047; War of Secession in the United States, 1861; Morrin College, Quebec, chartered, 1861; three thousand Imperial troops arrive in Canada, 1861; street railways operated in Montreal and Toronto, 1861; royal assent given to Mr. R. W. Scott's Separate School Bill, 1863.

The Reform party of Upper Canada had declared (1859) in favour of a federal union and they were followed in this plan by the Reform party of Lower Canada, in principle, but they did not entirely agree on the method to adopt. Each province was to have a distinct legislature, while a Federal Parliament should legislate upon matters of common concern. This scheme was defeated by a large majority in 1860. The following four years were marked by the difficulty of forming any administration with a sufficient majority to carry on public business.

The Honourable Alexander Galt, representing the English-speaking and Protestant minority of Lower Canada, suggested to include the Maritime Provinces in the project, hoping to obtain their adhesion without much opposition, since Mr. Howe and others had already advocated the practicability of such a union. A coalition ministry was formed, in June, 1864, in which Mr. George Brown entered on condition that a measure be introduced for a union between Upper and Lower Canada, on the federal system, with provisions for the admission of the other provinces and the North-West Territories. Thus a definite base was determined, having the consent of Mr. Brown, who represented Upper Canada. It was thought at first that Lower Canada would object, but Mr. Cartier managed to reconcile both the Catholics and the Protestants by showing the former that they would be left free at home to settle their own affairs, and by giving the Protestants all the guarantees they asked for. Things being so far advanced, Mr. John A. Macdonald joined with the others, and negotiations were opened to bring the Maritime Provinces into line.

These provinces were then making arrangements to discuss their own union project. The offer of Canada made the platform a larger one. When the Charlottetown convention met, a message was sent asking if the Canadians would be admitted, and upon a favourable answer, eight delegates went, with the result that the debates were postponed until a general convention could be held at Quebec. This celebrated meeting opened on the 10th of October, 1864, and closed on the 28th, after ascertaining that Newfoundland and Prince Edward Island would probably not come in, and that it was possible for Nova Scotia and New Brunswick to accept the proposal.

Some admirable speeches were delivered by several of the delegates,

which were not reported because the Conference sat with closed doors, but the public dinners afforded the guests more than one occasion to express their opinion on the great subject of the moment—all, without exception, pronounced in favour of a federal union. A few quotations from responses to toasts will give the tone of most of these speeches:—

“The time has arrived when we are about to assume the position of a great nation, and such being the case, we should not shrink from its responsibilities. The people of the Lower Provinces entertain a magnificent idea of the grandeur which awaits us all. A united nation, we shall become a great country, and the time is not far distant when a colossal power growing up on this continent, shall stand with one foot on the Pacific and the other on the Atlantic.” (Archibald.)

“The magnitude of the question which has called the delegates from the Maritime Provinces to this meeting is one which actually appals me to contemplate, when I reflect that from the time in which the immortal Wolfe decided on the Plains of Abraham the destiny of British America to the present, no event has exceeded in importance or magnitude the one which is now taking place in this ancient and famous city. . . . You can readily understand how important it is that Canada should obtain means of access to the ocean not only for five months but for twelve months in the year. Why is it that the Intercolonial Railway is not a fact? It is because, being divided, that which is the common interest of these colonies has been neglected; and when it is understood that the construction of this work is going to give to Canada that which is so essential to her, its importance will be understood not only in connection with your political greatness, but also in connection with your commercial character, as affording increased means of communication with the Lower Provinces—for the inexhaustible resources of the Great West will flow down the St. Lawrence to Quebec, and from there to the magnificent harbours of Halifax and St. John, open at all seasons of the year. . . . If you look at the colony which I have the honour to represent you will find that its mineral resources cannot be excelled on this side of the Atlantic. You will find a vast country occupied by as valuable coal deposits as are to be found on the surface of the earth. . . . The commercial union can only be realized in connection with a political union.

. . . The tariffs would require to be adjusted to meet the necessities of each people by different legislatures, and while this is the case, while we are separate, we can never hope to have such an adjustment as to give to the people of the whole of the provinces such a commercial union as the Quebec Board of Trade judges to be essential to our common interests.” (Tupper.)

“The union of Upper and Lower Canada has doubled our population and trebled our resources in twenty years. . . . The proposed union will benefit us all. . . . At no distant period a fraternal era might be opened unto us, by which the cool-headed and persevering Englishman might be drawn closer to the warm-hearted and generous Irishman, to the keen, persevering and economical son of Caledonia, and the gay and chivalric offspring of old Gaul—each of these contributing their quota in the good qualities they have inherited from their ancestors, blended together in one great people.” (Taché.)

“The union of Upper and Lower Canada has achieved wonders for the two provinces. The prosperity to which we have risen under the union encourages a still larger combination. I am not one of those who would like to see Upper and Lower Canada separated and warring against each other. . . . The prosperity of Lower Canada is due, to a great extent, to the trade of Upper Canada. . . . Is it right that there should be a custom house erected against the trade of each colony? Is it right that there should be a difference of currency? Is it right that there should be a difference between the system of weights and measures?—between the mode of becoming a British subject? That there should be a difference in the postal service? No!” (Cartier.)

Alluding to the lack of information so long prevailing in Canada respecting the Maritime Provinces, Mr. Galt said it was to be hoped that the visit of their delegates would dispel that ignorance. When he saw the ability of those gentlemen and reflected that they might be one day called to the councils of our united country, it was consoling to think that, if the confederation of the provinces were brought about, we might have the benefit of their talents. . . . “What depressed the commercial energies of this country? Because we had hitherto been confined to two markets—

England and the United States. Now a union with the lower provinces would not only give us the advantage of their local markets, but would also open up to us the enjoyment of their foreign trade. . . . I am sure the delegates will look at the question of confederation not in a selfish point of view, but in one which has regard to the benefit of all, and which would raise this country to a position in which it would be honoured."

"So far from suggesting a dissolution of the partnership both parties felt that the union of 1841, which with all its unrest had resulted so happily for Canada, should be extended rather than dissolved. In this spirit it was proposed to increase the firm originally consisting of two members by the addition of the adjacent provinces that had a common interest with Upper and Lower Canada in developing the trade and commerce of the country."*

On the 4th of December, 1866, the delegates from four provinces assembled in London. The British North America Act passed the Imperial Parliament, and received the Royal assent on the 29th of March, 1867, to take effect on the 1st of July following.

In the Quebec resolutions it was agreed that the country would be administered according to the well understood principles of the British constitution. The British North America Act of 1867 was framed to give effect to the principles of responsible government as laid down by La Fontaine and Baldwin. It is clearly stipulated therein that the new constitution will be similar to that of the United Kingdom.

The powers of the provincial legislatures comprise the following subjects: The amendment, from time to time, of the constitution of the province, except as regards the office of lieutenant-governor. Direct taxation and the imposition of duties on the export of timber, logs, masts, spars, deals, saw lumber, coals and other minerals. The borrowing of money on the sole credit of the province. The establishment and tenure of local offices, and the appointment and payment of local officers. The management and sale of the public lands belonging to the province, and of the timber and wood thereon. The establishment, maintenance and management of public and reformatory prisons, in and for the province. The

*Hon. Geo. W. Ross: *The Plains of Abraham*, p. 11.

establishment, maintenance and management of hospitals, asylums, charities and eleemosynary institutions, in and for the province other than marine hospitals, municipal institutions. Shop, saloon, tavern, auctioneer and other licenses, in order to raise revenue for provincial, local, or municipal purposes. Local works and undertakings other than such as are in the following classes: (a) Lines of steam or other ships, railways, canals, telegraphs, and other works and undertakings connecting the province with any other of the provinces; (b) lines of steamships between the province and any British or foreign country; (c) such works as, though wholly situated within the province, are before or after their execution declared by the Parliament of Canada, to be for the general advantage of two or more of the provinces. The incorporation of companies with provincial objects. Solemnization of marriage in the province. Property and civil rights in the province. The administration of justice in the province, including the constitution, maintenance, and organization of provincial courts, both of civil and criminal jurisdiction, and including procedure in civil matters in those courts. The imposition of punishment by fine, penalty or imprisonment, for enforcing any law of the province made in relation to any matter coming within any of the classes of subjects above enumerated. Generally all matters of a merely local or private nature in the province. The legislation of the province may exclusively legislate on education, subject only to the power of the Dominion Parliament to make remedial laws in case of the infringement of any legal rights enjoyed by any minority in the province. The Dominion and the province may also concurrently make laws in relation to immigration and agriculture, provided that the Act of the province is not repugnant to any Act of the Dominion Parliament. The Dominion Parliament may provide for the uniformity of laws relative to property and civil rights in Ontario, Nova Scotia and New Brunswick.

By an agreement made in 1869 between the Imperial authorities, Canada and the Hudson's Bay Company, the North-West Territories, until then partly owned by the Crown and partly by the company, became the property of the Dominion of Canada, on the payment of £300,000 to the company. The settlers, in the Red River region, took alarm at this trans-

action, imagining that their lands were to be taken from them, etc. They opposed the entry of the Canadian officials into the country, and Canada had to equip and send a military expedition (1870) to restore order. This was the first Riel Rebellion, and it did a great deal to create a Canadian sentiment all over the confederate provinces, even in Nova Scotia and New Brunswick where a very strong party of Anti-Canadians existed, under the leadership of Mr. Joseph Howe. This gentleman, at first an ardent advocate of the scheme of confederation seems to have been afraid that Canada would take the lion's share in the direction of the new government. He was not present at the Quebec Conference in 1864, and afterwards did all he could to prevent the Imperial Bill of 1867 from becoming law.

The Province of Manitoba was created by an Act of the Canadian Parliament in 1870. At the same time an Imperial order-in-council was issued which provided that Rupert's Land and the North-West Territory, including Manitoba, should form part of Canada, the stipulated sum of £300,000 having been paid by Canada to the Hudson's Bay Company.

The British colonies of the Pacific Coast entered confederation in 1871, on the understanding that a transcontinental railway should be built to consummate the union.

The last regular troops left Quebec on the 11th of November, 1871, handing over to the militia the safe keeping of the country, a duty which the latter have performed in a very satisfactory manner to this day.

Prince Edward Island asked for admittance in 1873 under some special conditions and this was conceded, but Newfoundland, up to the present date, has not agreed to any proposed arrangement of a similar nature.

The Intercolonial Railway was opened from Halifax to Quebec in 1876.

In 1877, on the recommendation of the Hon. Edward Blake, who was at the time Minister of Justice, the letters patent and instructions given to those who were appointed governors of Canada underwent certain modifications in order to better secure the measure of power exercised by the government and Parliament of Canada. It was then formally agreed between the colonial and the Imperial authorities that in all matters concerning the administration of Canada, the governors were bound to take the advice of their ministers, even in cases specified in the Federal Act, for

instance, in the dismissal of lieutenant-governors, the governor-general as a rule was empowered to act. The obligation imposed upon the Marquis of Lorne, Governor of Canada, to follow the advice of his ministers, in a case of the nature referred to, when he was opposed to their views, was considered as the crowning feature and the final consecration of responsible government in Canada, although it was done to the detriment of provincial autonomy. It has been strongly contended that the official beheading of Lieutenant-Governor Letellier by the federal government established a principle and precedent that the lieutenant-governors were the servants of the federal government and the tools, to a certain extent, of the party in power; and that in case of friction between the federal and provincial governments, the latter could not always rely upon them. It must be admitted that it would require a great force of character in a lieutenant-governor to do his duty against the will of those who had the power to dismiss him. However, it must be admitted also that the principles laid down on the occasion above mentioned by the Imperial authorities in their instructions to the Marquis of Lorne were the most absolute and solemn consecration of responsible government in Canada.

It is now generally understood that the governors should follow the advice of their ministers, except in cases where they (the governors) would be acting as agents of Great Britain in matters having an Imperial character, although they have still the absolute power of refusing the opinion of their constitutional advisers on the ground of public welfare and when another cabinet could be formed immediately to accept the responsibility of the act. But the cases where such steps could be taken are so extreme and exceptional that the governors will very seldom deem it proper or wise to have recourse to it.

Since the Letellier case there has been no friction between the governors and their advisers, at least as regards the application of responsible government. The people of Canada have the full benefit of the British constitution, and the French Canadians are not the last to recognize what they owe to that glorious institution. They look upon it as the bulwark of liberty and civilization all over the world; assured that under its wings

there is a remedy for all grievances, for all abuses, justice for all rights, protection for all good and patriotic causes.

The history of Canada since 1867 is that of the confederation, consequently on a much larger scale than that of any province. It is hardly possible, unless by devoting a special book to the Province of Quebec during the last forty years to detail the various administrations which have succeeded one another in that part of the Dominion, and it would be even dangerous to attempt to do so, as men who acted at the head of affairs are still living, or are too near us to be judged as to the reasons which inspired their conduct.

The history of that province from 1774 to 1848 is particularly interesting, on account of the repeated political battles it had to fight for the cause of liberty—efforts crowned at last by the granting of responsible government, as we have seen.

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Author Sulte, Benjamin and others

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